FEDERAL REGISTER

VOLUME 20 NUMBER 228

Washington, Wednesday, November 23, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2, Administration Letter 440 (440)]

PART 332—PROCESSING INITIAL LOANS

Subchapter C—Production and Subsistence Loans

[FHA Instruction 441.3, Administration Letter 440 (440)]

PART 342—PROCESSING

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.2, Administration Letter 440 (440)]

PART 352—PROCESSING LOANS TO INDIVIDUALS

LOANS IN DESIGNATED AREAS

Chapter III, Title 6, is amended to prescribe additional requirements in the making of loans under Subchapter B "Farm Ownership Loans," Subchapter C "Production and Subsistence Loans," and Subchapter D "Soil and Water Conservation Loans" in special designated areas. In Part 332, § 332.7 (20 F. R. 3670) a new paragraph (f) is added; in Part 342, § 342.3 (20 F. R. 396) a new paragraph (n) is added; and in Part 352, § 352.1 (c) (20 F. R. 1967) a new subparagraph (8) is added, to read as follows:

§ 332.7 *Action by loan approval official.* * * *

(f) *Special requirements for loans in designated areas.* If the loan is to be made in a county designated by the Secretary for Emergency loans in the States of Colorado, Kansas, New Mexico, Oklahoma, Texas, or Wyoming, the following additional requirements are applicable:

(1) Each applicant will be required to furnish a copy of a land capabilities map prepared by the Soil Conservation Service.

(2) If the applicant is not an active Farmers Home Administration borrower, he will be expected to carry on farming operations that are consistent with proper land use for the area. If he is an active Farmers Home Administration borrower, he must be willing and will be expected to carry on such farming operations insofar as conditions within his control will permit; he will be expected to comply fully with recommended land use requirements within a reasonable time; and he must have reasonable prospects for success.

(Sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100; 7 U. S. C. 1015 (1), 40 U. S. C. 442 (c). Interprets or applies secs. 1, 3 (a) and (b) (4), 12 (a) and (c) (4), 60 Stat. 1072, 1074, 1076, sec. 44 (b), 62 Stat. 1069 sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1001, 1003 (a) and (b) (4), 1005b (a) and (c) (4), 1018 (b), 40 U. S. C. 440 (f))

§ 342.3 *Loan forms and routines.* * * *

(n) *Special requirements for loans in designated areas.* If the loan is to be made in a county designated by the Secretary for Emergency Loans in the States of Colorado, Kansas, New Mexico, Oklahoma, Texas, or Wyoming, the following additional requirements are applicable:

(1) Each applicant will be required to furnish a copy of a land capabilities map prepared by the Soil Conservation Service.

(2) If the applicant is not an active Farmers Home Administration borrower, he will be expected to carry on farming operations that are consistent with proper land use for the area. If he is an active Farmers Home Administration borrower, he must be willing and will be expected to carry on such farming operations insofar as conditions within his control will permit; he will be expected to comply fully with recommended land use requirements within a reasonable time; and he must have reasonable prospects for success.

(3) If the applicant is a tenant, the landlord must agree in writing for the farm to be operated in accordance with the land use recommendations for the particular farm.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 21, (a), (c), 60 Stat. 1072, 65 Stat. 197, sec. 42 (c), 60 Stat. 1087, sec. 44 (b), 60 Stat. 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198, sec. 1, 63 Stat. 407, sec. 1311 Pub. Law 663, 83d Cong., 68 Stat. 830; 7 U. S. C. 1007, 1016, 1018 (b), 1022, 31 U. S. C. 712a)

§ 352.1 *Loan forms and routines.* * * *

(c) *Special items in preparation of docket.* * * *

(8) *Special requirements for loans in designated areas.* If the loan is to be made in a county designated by the Secretary for Emergency loans in the States

(Continued on p. 8621)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

of Colorado, Kansas, New Mexico, Oklahoma, Texas, or Wyoming, the following additional requirements are applicable:

(i) Each applicant will be required to furnish a copy of a land capabilities map prepared by the Soil Conservation Service.

(ii) If the applicant is not an active Farmers Home Administration borrower, he will be expected to carry on farming operations that are consistent with proper land use for the area. If he is an active Farmers Home Administration borrower, he must be willing and will be expected to carry on such farming operations insofar as conditions within his control will permit; he will be expected to comply fully with recommended land use requirements within a reasonable time; and he must have reasonable prospects for success.

(iii) If the applicant is a tenant, the landlord must agree in writing for the farm to be operated in accordance with the land use recommendations for the particular farm.

(R. S. 161, sec. 6 (3) 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w (3), 590x-3. Interprets or applies secs. 2 (3), 5, 50 Stat. 869, 870, secs. 9, 10, 68 Stat. 735, 736; 16 U. S. C. 590s (3), 590v, 590x-2, 590x-3)

Dated: November 17, 1955.

[SEAL] H. C. SMITH,
Acting Administrator
Farmers Home Administration.

[F. R. Doc. 55-9421; Filed, Nov. 22, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments contained herein are issued pursuant to authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 to 1388). The amendments are for the purpose of clarifying the provisions governing the establishment of community referendum committees and of extending the regulations in this part to Puerto Rico.

Referendums with respect to the 1956 crops of upland cotton and extra long staple cotton are to be held on December 13, 1955, and it is, therefore, necessary that the proposed amendments be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act (5 U. S. C. 1003) pertaining to notice, public procedure, and effective date is impractical and that the amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

The regulations in this part are amended as follows:

1. Section 717.2 is amended by striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Community referendum committees where one referendum is to be conducted.* In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum. Each referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in the referendum. The county committee shall name one member of the community referendum committee as chairman and another member thereof as vice chairman. The vice chairman shall act as the chairman in the event of the absence or incapacity of the chairman and the alternate shall serve on the committee in the place of any regular member who cannot serve. The community referendum committee shall be responsible for the proper holding of the referendum in its community or neighborhood by secret ballot in a fair, unbiased, and impartial manner in accordance with the regulations in this part. In counties with less than 100 farms on which there are producers who are eligible to vote in the referendum, the county shall be considered as one community for the purpose of the referendum and the county committee shall perform, in addition to its other duties, the duties of the community referendum committee unless, for any such county, the county committee and the State committee determine that one or more community referendum committees are necessary to the county for the proper holding of the referendum.

(c) *Community referendum committees where two or more referendums are to be conducted.* Where two or more referendums are to be held in the county on the same day, the provisions of paragraph (b) of this section shall be applicable except that (1) the total number of farms on which there are producers eligible to vote in any one or more of such referendums shall be used to determine whether there are 100 or more farms on which there are producers who are eligible to vote in the referendums, and (2) each community referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in any of such referendums.

2. By adding a new § 717.14 to read as follows:

§ 717.14 *Applicability of regulations to Puerto Rico.* The Agricultural Stabilization and Conservation Caribbean Area Committee shall be in charge of and responsible for conducting in the Commonwealth of Puerto Rico each referendum on marketing quotas for any commodity required by the Act. Insofar as applicable the ASC Caribbean Area Committee shall perform all the duties and assume all the responsibilities otherwise required of State and county committees as provided in the regulations in this part, except that (a) the Director, Agricultural Stabilization and Conservation Caribbean Area Office shall nominate for appointment the members and alternates to serve on community referendum committees and shall establish the boundaries of referendum communities or neighborhoods in such a manner that polling places therein will be conveniently located for the farmers eligible to vote in the referendum, and (b) following the canvass of the ballots as provided in § 717.10 the community referendum committee shall report the results of the referendum to the ASC Caribbean Area Committee.

(Sec. 375, 52 Stat. 69, as amended, 7 U. S. C. 1375)

Issued at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9441; Filed, Nov. 21, 1955; 4:35 p. m.]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR THE 1956 CROP OF EXTRA LONG STAPLE COTTON

GENERAL

STATE AND COUNTY ACREAGE ALLOTMENTS

AUTHORITY: §§ 722.1311 to 722.1329 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply Secs. 301, 343–347, 361–368, 373, 374, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1343–1347, 1361–1368, 1373, 1374, 1388.

GENERAL

§ 722.1311 *Basis and purpose.* (a) The regulations contained in §§ 722.1311 to 722.1329 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of State, county, and farm acreage allotments for the 1956 crop of extra long staple cotton and the determination of the acreage planted to extra long staple cotton on individual farms in 1956. The Secretary of Agriculture proclaimed a national marketing quota and a national acreage allotment for the 1956 crop of extra long staple cotton on October 14, 1955 (20 F R. 7807) The latest available statistics of the Federal Government are used in making the determinations required to be made in connection with §§ 722.1311 to 722.1329. Prior to preparing the regulations in §§ 722.1311 to 722.1329, public notice was given (20 F R. 6388) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) The data, views, and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the State and county Agricultural Stabilization and Conservation Committees may establish farm acreage allotments as early as possible prior to the extra long staple cotton referendum, which shall be held on December 13, 1955, it is essential that the regulations in §§ 722.1311 to 722.1329 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.1312 *Definitions.* As used in §§ 722.1311 to 722.1329 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees"

(1) "Community committee" means the group of persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F R. 3637) as amended.

(2) "County committee" means the group of persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F R 3637) as amended. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(3) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee. In Puerto Rico the ASC Caribbean Area Committee, shall, insofar as applicable, perform all functions of the State committee.

(4) "Review committee" means the group of persons appointed by the Secretary as a review committee pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farmland and rents such land to another person or who operates such land.

(h) "Cash tenant" "standing-rent tenant" or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or rangeland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or rangeland which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the regulations in this subpart. Farm acreage allotments are initially established on the basis of the data for farms as finally constituted for 1955 where there is a change in the land in a farm for 1956, the farm acreage allotment will be redetermined in accordance with § 722.1317 (h)

(n) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(o) "State and county code number" means the applicable number assigned by the Commodity Stabilization Service to each State and county for the purpose of identification.

(p) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee for purposes of identification.

(q) "Old ELS cotton farm" means a farm located in a county designated in § 722.1316 (b) on which extra long staple

cotton was planted in any one or more of the years 1953, 1954, and 1955.

(r) "New ELS cotton farm" means a farm located in a county designated in § 722.1316 (b) on which extra long staple cotton is to be planted in 1956 but on which no acreage was planted to extra long staple cotton in any of the years 1953, 1954, and 1955.

(s) "Normal yield" means the average yield per acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there was no actual yield, then the normal yield for the farm shall be appraised by the county committee, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a new ELS cotton farm shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of extra long staple cotton.

(t) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(u) "Actual production" of extra long staple cotton on the farm means the total number of pounds of extra long staple lint cotton determined to have been produced on the farm in 1956.

(v) "Actual yield" per acre means the number of pounds of extra long staple lint cotton determined by dividing the actual production of extra long staple cotton on the farm by the acreage planted to such cotton on the farm in 1956.

(w) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant) cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper on a farm, is entitled to all or a share of the 1956 crop of extra long staple cotton produced thereon or of the proceeds thereof.

(x) "Acreage planted to extra long staple cotton".

(1) *State.* The acreages of extra long staple cotton to be used in establishing State acreage allotments are as follows:

(i) *For 1950, 1951, and 1952.* The official planted acreage of extra long staple cotton, as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(ii) *For 1953.* The measured acreages of extra long staple cotton for all farms in the State, as determined in accordance with official instructions.

(iii) *For 1954.* The measured acreages of extra long staple cotton for all farms in the State, as determined for purposes of the 1954 extra long staple cotton marketing quota program, and adjusted according to the provisions of subsections (g) (3) (i), and (m) (2) of section 344 of the act.

(2) *County.* The acreages of extra long staple cotton to be used in establishing county acreage allotments are as follows:

(i) *For 1950, 1951, and 1952.* The official planted acreages of extra long staple cotton, as determined by the Agricultural Marketing Service (formerly the Bureau of Agricultural Economics) of the United States Department of Agriculture.

(ii) *For 1953.* The measured acreage of extra long staple cotton for all farms in the county, as determined in accordance with official instructions.

(iii) *For 1954.* The measured acreages of extra long staple cotton for all farms in the county, as determined for purposes of the 1954 extra long staple cotton marketing quota program, and adjusted according to the provisions of subsections (g) (3) (i), and (m) (2) of section 344 of the act.

(3) *Farm (1953, 1954, 1955).* For purposes of establishing farm acreage allotments for the 1956 crop of extra long staple cotton, the acreage planted to such cotton on a farm means the acreage of land planted to extra long staple cotton for the years 1953, 1954, and 1955, which shall be determined as follows:

(i) *For 1953.* The acreage of extra long staple cotton measured in accordance with official instructions.

(ii) *For 1954 and 1955.* The acreage of extra long staple cotton measured for purposes of the 1954 and 1955 extra long staple cotton marketing quota programs, and adjusted, as provided in subsections (g) (3) (i), and (m) (2) of section 344 of the act.

(4) *Farm (1956)* For purposes of determining compliance with the farm acreage allotment, the acreage planted to extra long staple cotton on a farm in 1956 shall be the acreage of land seeded to such cotton on the farm in 1956, excluding any acreage in excess of the farm acreage allotment which (i) is destroyed by causes beyond the producer's control prior to the expiration of the period established under subdivision (ii) of this subparagraph for disposing of excess extra long staple cotton acreage, or (ii) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee, in accordance with § 722.1325 after the original notice of the measured acreage of extra long staple cotton is mailed to the farm operator.

(y) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of extra long staple cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to extra long staple cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States in accordance with § 722.1315, adjustments for abnormal weather conditions are made in the acreages planted to extra long staple cotton in the States on the basis of recommendations of the State committees and official statitsics and studies of the Department of Agriculture. In apportioning the State acreage allotment among counties in accordance with § 722.1316 (b), adjustments for abnormal weather conditions are made in the acreage planted to extra long staple cotton in counties on the basis of recommendations of the State committee and official statistics and studies of the Department of Agriculture. Any such adjustment in the acreage planted to extra long staple cotton in a State or county is the amount established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed extra long staple cotton because of abnormal weather conditions.

(z) "Cropland" means farmland which in 1955 was tilled or was in regular crop-rotation, excluding (1) bearing orchards and vineyards (except the acreage or cropland therein) (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

§ 722.1313 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions with respect to internal management as are necessary for carrying out these regulations. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or to the Director.

§722.1314 *Extent of calculations and rule of fractions.* The acreages planted to extra long staple cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of less than fifty-one thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.1315 *Apportionment of national acreage allotment among States.* The National acreage allotment proclaimed for the 1956 crop of extra long staple cotton, is apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to extra long staple cotton in each such State for the years 1950, 1951, 1952, 1953, and 1954, with adjustments in such acreages for abnormal weather conditions. The acreage allotted to a State pursuant to the provisions of this section is referred to herein as the "State acreage allotment" The State acreage allotment for each State for the 1956 crop of extra long staple cotton is as follows:

State:	State acreage allotments
Arizona	18,433
California	291
Florida	559
Georgia	120
New Mexico	8,424
Puerto Rico	1,708
Texas	15,770
United States, total	45,305

§ 722.1316 *Apportionment of State acreage allotment among counties*—(a) *Establishment of State acreage reserve.* The State committee shall determine the percentage of the State acreage allotment which is needed for the purposes of subparagraphs (1) through (5) of paragraph (c) of this section and shall set aside a total State acreage reserve of not more than 10 percent of the State acreage allotment, and not less than 3 percent of the State acreage allotment unless, on the basis of the needs of the State; the State committee recommends a smaller acreage reserve than 3 percent of the State acreage allotment and the Administrator of the Commodity Stabilization Service approves such recommendation.

(b) *Computed county acreage allotments.* The State acreage allotment for the 1956 crop of extra long staple cotton, less the State acreage reserve established pursuant to paragraph (a) of this section shall be apportioned to the following counties designated pursuant to section 347 (a) of the act: Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona, Imperial and Riverside Counties, California, Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwanee, Union, and Volusia Counties, Florida; Atkinson, Berrien, Cook, and Lanier Counties, Georgia, Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; the North Area and the South Area in Puerto Rico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas. Such apportionment is made on the basis of the acreage planted to extra long staple cotton in 1950, 1951, 1952, 1953, and 1954 (herein referred to as the "base years") with adjustments for abnormal weather conditions during such years. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment." The extra long staple cotton producing areas located in the northern part of Puerto Rico shall be considered as a county and the cotton producing areas located in the southern part of Puerto Rico shall be considered as a county.

(c) *Use of State acreage reserve.* The State acreage reserve established under paragraph (a) of this section shall be used by the State committee for any one or more of the purposes set forth in subparagraphs (1) through (5) of this paragraph.

(1) *To adjust computed county acreage allotments for trends in the acreage of extra long staple cotton.* A part or all of the State acreage reserve may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for trends in the acreage planted to extra long staple cotton in the counties during recent years (the period of years may include the year 1955 but shall not include the year 1949) The State committee may determine such adjustments by use of a formula which shall be applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of extra long staple cotton.* A part or all of the State acreage reserve may be used by the State committee, as determined to be necessary, to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to extra long staple cotton in the county in each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining whether an adjustment should be made for abnormal conditions adversely affecting plantings in a county, the State committee shall take into consideration the following factors: (i) abnormal weather conditions, such as floods and droughts during the planting season which caused plantings during such season to be abnormally low in comparison with normal; (ii) conditions in counties in which a number of farms are being returned to extra long staple cotton production or are increasing the acreage in such cotton after having been out of production or having been on a reduced level of extra long staple cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted acreage of extra long staple cotton because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and the return of such labor as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent than in other counties. In determining any adjustment under subdivision (i) of this subparagraph for abnormal weather conditions the State committee shall take into consideration any adjustment made for abnormal weather conditions pursuant to paragraph (b) of this section.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage, if any, which is required from the State acreage reserve to supplement that part of the county acreage reserves established as provided for in subparagraphs (1) and (2) of § 722.1317 (e) to adjust indicated farm acreage allotments for old ELS cotton farms established at 15 acres or less under paragraph (c) or (d) of § 722.1317. The State committee shall determine the acreage, if any, to be made available to a county for the purposes of this subparagraph and such acreage shall be used by the county committee only for adjustments in small farm allotments.

(4) *To establish 1956 acreage allotments for new ELS cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new ELS cotton farms are generally uniform in counties throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new ELS cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new ELS cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1317 (e) (3) Where it is determined by the State committee that the entire county acreage reserve for any county is needed for making adjustments pursuant to subparagraphs (1) and (2) of § 722.1317 (e), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage, if any, set aside by the county committee from the county acreage reserve for establishing acreage allotments for new ELS cotton farms. In determining the estimated acreage to be set aside for establishing acreage allotments for new ELS cotton farms on the basis of the factors set forth in § 722.1317 (e) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new ELS cotton farms under previous acreage allotment programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new ELS cotton farms.

(5) *To correct inequities in farm allotments and to prevent hardship.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established, as provided for in § 722.1317 (e) (4), for making adjustments in farm acreage allotments to correct inequities and to prevent hardship.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested producer of extra long staple cotton: (1) The amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3), (4) and (5) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and

(2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county in which farm acreage allotments are to be established under § 722.1317 (c) that, because of different conditions pertaining to the production of extra long staple cotton in separate areas of the county, including differences in types, kinds, and productivity of the soil, different areas of the county should be treated separately in order to prevent discrimination, each such area shall be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments.

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.1317 (j) shall be apportioned by the State committee to counties on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms or to correct inequities in farm allotments and to prevent hardship.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.1317 *Apportionment of county acreage allotment—*(a) *Determination of method to be used in apportioning county acreage allotment among farms.* Section 344 (f) (2) of the act provides that the county acreage allotment, less the county acreage reserve, shall be allotted to farms by multiplying the adjusted cropland for each old ELS cotton farm by a uniform county (or administrative area) cropland factor (this method of establishing allotments will be referred to herein as the "cropland basis"). Section 344 (f) (6) of the act provides that if the county committee so recommends and the Secretary determines that such action will result in a more equitable distribution of the county allotment among farms in the county than would be the case if the cropland basis were used, the county acreage allotment, less the county acreage reserve, shall be apportioned to old ELS cotton farms on the basis of the acreage planted to such cotton on the farm during the preceding three years, adjusted as may be necessary for abnormal conditions affecting plantings (this method will be referred to herein as the "historical basis") The county committee shall study these two methods of apportioning the county acreage allotment among farms and determine which method should be used in order to establish equitable allotments for farms in the county. If the county committee determines that farm acreage allotments should be determined on the historical basis, its recommendation to that effect should be forwarded to the State committee for transmittal to the Deputy Administrator. When § 722.1316 (e) is amended to include the county acreage allotment established for each county, the Secretary will designate the basis on which farm acreage allotments are to be established in the county.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which may be used to adjust indicated farm acreage allotments for old ELS cotton farms determined under paragraph (c) or (d) of this section and to establish acreage allotments for new ELS cotton farms under paragraph (e) (3) of this section. The county acreage reserve shall be not less than five percent of the county acreage allotment unless the county committee recommends a smaller acreage reserve and the State committee gives its approval. Any approval of a smaller acreage reserve shall be based upon a showing that such acreage is adequate, on the basis of the factors set forth in paragraph (e) of this section, to make necessary adjustments in indicated allotments for old ELS cotton farms and to establish allotments for new ELS cotton farms. The county acreage reserve approved by the State committee shall be not less than three percent of the county acreage allotment, except that the Deputy Administrator may approve a smaller reserve for a county if he finds that three percent of the county acreage allotment would provide more acreage for adjustments and establishing new farm allotments than is needed in the county.

(c) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the cropland basis.* If farm acreage allotments are to be determined in the county on the cropland basis, the county acreage allotment, less the acreage reserved pursuant to paragraph (b) of this section, shall be used to determine indicated allotments for old ELS cotton farms as follows:

(1) *Determination of adjusted cropland.* The county committee shall determine an adjusted cropland acreage for each old ELS cotton farm by deducting from the cropland on the farm the sum of the following acreages:

(i) The 1955 acreage of sugarcane for sugar or for syrup and sugar beets for sugar.

(ii) The 1955 acreage of tobacco for market (or the 1955 farm acreage allotment, if any, for the applicable type of tobacco if the 1955 acreage has not been determined)

(iii) The 1955 acreage of peanuts picked and threshed, as adjusted by the county committee for abnormal conditions affecting such acreage;

(iv) The 1955 wheat acreage for market (including the acreage of wheat for feeding to livestock for market) In States in the commercial wheat-producing area for 1956, if the 1955 wheat acreage on the farm was reduced substantially below the 1955 farm wheat acreage allotment because of adverse weather conditions, the acreage to be deducted shall be the 1956 wheat allotment for the farm (less the acreage determined by the county committee to be used on the farm for home use other than for feeding to livestock for market) In the counties designated in subdivision (vi) of this subparagraph, the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this subdivision exceeds the acreage deducted under subdivision (vi) of this subparagraph;

(v) The acreage planted to rice in 1955 for market (including the acreage of rice for feeding to livestock for market), plus the acreage of other riceland on the farm for which water is available and which is not used for the production of extra long staple cotton under the rotation system for the farm; and

(vi) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; and in Imperial and Riverside Counties, California; and in Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(2) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (i) the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) by (ii) the total of the adjusted cropland acreage determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (i) the available county acreage allotment remaining after maximum indicated farm acreage allotments, as defined in subparagraph (3) of this paragraph have been determined for such old ELS cotton farms by (ii) the total of the adjusted cropland acreages determined for old ELS cotton farms in the county under subparagraph (1) of this paragraph, which under the preceding factor were not affected by the maximum allotment provision. The last county (or administrative area) cropland factor computed and applied shall be referred to herein as the "final county cropland factor."

(3) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old ELS cotton farm under this paragraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (i) the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to extra long staple cotton on the farm in any of the years 1953, 1954, and 1955.

(d) *Indicated acreage allotments for old ELS cotton farms in counties where farm acreage allotments are determined on the historical basis pursuant to section 344 (f) (6) of the act.* In counties where the county committee recommends that the county acreage allot-

ment, less the acreage reserved pursuant to paragraph (b) of this section, be apportioned among farms for the year 1956 on the historical basis and the Deputy Administrator approves such recommendation, indicated allotments for old ELS cotton farms shall be determined by multiplying the allotment base for the farm by a factor determined by dividing the total of all such allotment bases into the county acreage allotment (less the acreage reserved pursuant to paragraph (b) of this section) *Provided*, That, if the county committee so elects, any such indicated farm acreage allotment shall not exceed an acreage equal to 50 percent of the cropland on the farm, and any part of the county acreage allotment not apportioned by reason of the application of such 50 percent limitation shall be added to the county acreage reserve established under paragraph (b) of this section and shall be available for the purposes specified in paragraph (e) of this section. For the purposes of this paragraph, the term "allotment base" means the average of the acreages planted to extra long staple cotton on the farm during each of the three years 1953, 1954, and 1955 (sum of the acreages divided by three) with such adjustment in the acreage for any year as may be necessary for abnormal conditions affecting plantings. Adjustments for abnormal conditions affecting plantings will be made by the county committee on the basis of data and information available in the county office records or furnished by producers on the farm.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 15 acres or less.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments determined under paragraph (c) or (d) of this section to be 15 acres or less. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community taking into consideration for the farm the acreages planted to extra long staple cotton in 1953, 1954, and 1955; the land, labor, and equipment available for the production of such cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted to extra long staple cotton on the farm in 1956 consistent with sound crop-rotation practices followed in the community (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting or determining the requirements under subparagraphs (1) (3) and (4) of this paragraph, shall be used by the county committee to adjust indicated farm acreage allotments which are more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. In the absence of specific data relating to the labor and equipment available for the production of extra long staple cotton and to the crop-rotation practices followed on a farm, the county committee may consider the acreage planted to such cotton on the farm in 1953, 1954, or 1955 as reflecting such factors and use such acreage as the basis for adjusting the indicated farm acreage allotment under this subparagraph. The county committee shall not make adjustments under this subparagraph so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage of extra long staple cotton which could be planted on the farm in 1956 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such cotton.

(3) *Acreage allotments for new ELS cotton farms*—(i) *Determination of acreage needed for establishing acreage allotments for new ELS cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new ELS cotton farms in the county. In counties where farm acreage allotments are established on the cropland basis, an estimate shall be made of the adjusted cropland acreage for new ELS cotton farms; and in counties where farm, allotments are established on the historical basis, an estimate shall be made of the cropland on new ELS cotton farms. Such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new ELS cotton farms. In determining the acreage from the county acre reserve which is to be used for establishing acreage allotments for new ELS cotton farms, the county committee shall taken into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.1316 (c) for establishing acreage allotments for new ELS cotton farms. The total acreage reserved for establishing allotments for new ELS cotton farms in the county, including any acreage allocated to the county for new ELS cotton farms from the State acreage reserve, shall not exceed 75 percent of the total of the farm acreage allotments which the county committee estimates will be determined for the same number of old ELS farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1953, 1954, and 1955.

(ii) *Eligibility of a new ELS cotton farm for a farm acreage allotment.* An acreage allotment for extra long staple cotton for a new ELS cotton farm may be established by the county committee if each of the following conditions is met:

(*a*) An application for an acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than February 15, 1956 (January 15, 1956, in Puerto Rico)

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which an acreage allotment for extra long staple cotton is established for 1956.

(iii) *Establishment of acreage allotments for new ELS cotton farms.* If the applicant's farm is eligible for an acreage allotment for extra long staple cotton, such allotment shall be established by the county committee on the basis of land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of such cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old ELS cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the indicated allotments established pursuant to paragraph (c) or (d) of this section for old ELS cotton farms in the county which are similar except for the acreages planted to extra long staple cotton during the years 1953, 1954, and 1955. The sum of the acreage allotments determined by the county committee for new ELS cotton farms shall not exceed the acreage reserves available for such farms in the county under this subparagraph. The acreage allotments for new ELS cotton farms shall be subject to review and approval by the State committee, as provided in § 722.1328.

(4) *Adjustments in farm acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State acreage reserve to correct inequities in farm allotments and to prevent hardship. Such reserve shall be used by the county committee where it determines that the farm acreage allotment established under other provisions of this section is inequitable or that such allotment would work undue hardship on the producers on the farm. Such reserve may also be used for establishing and adjusting farm acreage allotments as provided in paragraph (h) of this section.

(f) *Use of acreage allocated to county from State acreage reserve for adjusting allotments for small farms.* The acreage allocated to a county from the State acreage reserve for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old ELS cotton farms on the basis of the factors set forth in paragraph (e) (1) of this section for adjusting small farm allotments.

(g) *Allocation of reserve acreage by use of mathematical formula or rule.* Any mathematical formula or rule adopted by the county committee for use in calculating the amount of acreage to be allocated to an individual farm from the acreage reserves provided for in paragraphs (e) and (f) of this section shall be subject to the approval of the State committee.

(h) *Allotments for late and reconstituted farms and correction of errors.* The acreage reserve provided for in paragraph (e) (4) of this section shall be used by the county committee for the purposes specified therein and also for establishing allotments for old ELS cotton farms for which allotments were not established at the time allotments were originally established for old ELS cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to extra long staple cotton on the farm in 1953, 1954, and 1955, for correcting errors in farm acreage allotments, and for use in establishing acreage allotments for farms which are divided or combined for 1956. Where reconstitutions of farms are made for 1956 after farm acreage allotments for 1956 are established prior to the referendum, the extra long staple cotton acreage histories and the acreage allotments for all such reconstituted farms shall be established as provided in subparagraphs (1) and (2) of this paragraph.

(1) If land which was constituted as a single farm for the year 1955 is divided into two or more tracts for 1956:

(i) The acreages planted to extra long staple cotton on the farm in 1953, 1954, and 1955 (as defined in § 722.1312 (x) and as shown in Col. (2) Cotton Table 2 of the county committee's farm cotton acreage record) shall be divided among the tracts in proportion to the acreage of cropland on each tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland on each tract in apportioning the extra long staple cotton acreage history among the tracts: *Provided*, That, if two or more tracts of land were combined for 1954 or for 1955 to form the single farm and the single farm is divided for 1956, the extra long staple cotton acreage history for any year in the farm base period prior to the combination which was contributed by each tract to the history for the single farm will be restored to such tract; and if any such tract is divided into two or more parts in connection with a reconstitution for 1956 the extra long staple cotton acreage history for such tract for any year in the farm base period prior to the combination shall be divided among such parts in proportion to the acreage of cropland in each such part, except that, upon agreement by the owners and operators and approval by the county committee, the acreages normally considered as riceland, wheatland and sugarcane land may be excluded from the cropland in apportioning the extra long staple cotton acreage history for the tract among the parts.

(ii) In counties where farm acreage allotments are determined on the historical basis, if the acreage planted to extra long staple cotton in 1953, 1954, or 1955 is adjusted for abnormal conditions affecting plantings, as provided in § 722.1317 (d) such adjusted acreage shall be divided among the tracts as follows:

(*a*) For any of the years 1953, 1954, and 1955 when the farm being divided was operated as a single farm, the cropland ratio determined under subdivision (i) of this subparagraph shall be used in apportioning such adjusted extra long staple cotton acreage among the tracts.

(*b*) In case the farm being divided was established by combining two or more tracts of land for 1954 or for 1955, each such tract shall be referred to herein as an "identical tract", and the adjusted extra long staple cotton acreage for 1953 (in case of a combination for 1954) or for 1953 and 1954 (in case of a combination for 1955) shall be divided among the identical tracts as follows:

(*1*) Where any such adjustment in the acreage planted to extra long staple cotton was made prior to the combination and the adjusted extra long staple cotton acreage for that year for the combined farm which was used in establishing the original 1956 farm acreage allotment is the same as when the combination was made, the adjusted extra long staple cotton acreage which was used for the identical tract in making the combination shall be reestablished for the tract for that year.

(*2*) Where any such adjustment in the acreage planted to extra long staple cotton was made prior to the combination and the adjusted extra long staple cotton acreage for that year for the combined farm which was used in establishing the original 1956 farm acreage allotment is less than when the combination was made, the adjustment for each identical tract in making the combination shall be reduced by the same percentage that the adjustment previously applicable for the combined farm was reduced.

(*3*) Where any such adjustment (upward) for any year for the combined farm which was used in establishing the original 1956 farm acreage allotment is larger than the adjustment in effect at the time the combination was made, the county committee shall determine the share of the increase in the adjustment which is to be assigned to each identical tract on the basis of the conditions obtaining on the tract which were the cause for the increase and shall add its share of such increase to the adjusted extra long staple cotton acreage determined for each such tract for that year prior to the combination.

(*4*) Where any such adjustment (upward) in the acreage planted to extra long staple cotton in a year prior to the combination was initially made in establishing the original 1956 farm acreage allotment, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and shall add its share of such increase to the planted extra long staple cotton acreage for each such tract for that year.

(*5*) If, in establishing the original 1956 farm acreage allotment for a farm which was established by combining two or more tracts of land for 1954 or for 1955, the acreage planted to extra long staple cotton on the combined farm was adjusted downward for abnormal conditions affecting plantings, the county committee shall determine the share of the adjustment which is to be assigned to each identical tract and make a corresponding reduction in the acreage planted to extra long staple cotton on such tract for that year.

(*c*) Where an identical tract is divided, the adjusted extra long staple cotton acreage for that year for the identical tract shall be divided among the tracts thereof in proportion to the acreage of cropland on each such tract, except that upon agreement by the owners and operators and approval by the county committee the acreages normally considered as riceland, wheatland, and sugarcane land may be excluded from the cropland on each tract in apportioning the adjusted extra long staple cotton acreage for the identical tract among the tracts thereof.

(iii) In counties where farm acreage allotments are determined on the cropland basis the 1956 farm acreage allotment established for the single farm shall be apportioned among the tracts on the basis of the cropland used or which would be used for each such tract in apportioning the 1955 extra long staple cotton acreage among the tracts pursuant to subdivision (i) of this subparagraph.

(iv) In counties where farm acreage allotments are determined on the historical basis the 1956 farm acreage allotment established for the single farm shall be apportioned among the tracks in proportion to the allotment bases determined for such tracts.

(v) The sum of the 1956 allotments established for the several tracts shall not exceed the 1956 acreage allotment initially established for the single farm, except that the allotment determined under the foregoing provisions of this subparagraph for any farm consisting of such a tract or of which such a tract becomes a part may be (*a*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship, and (*b*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(2) If two or more tracts of land are combined and operated as a single farm in 1956 the allotment established for

such single farm shall be the sum of the allotments established for such tracts, except that the allotment for such single farm shall not exceed the maximum farm allotment if such allotment limitation is in effect in the county: *Provided,* That the allotment determined for such single farm under the foregoing provisions of this subparagraph may be (*i*) adjusted by the county committee with the reserve available to correct inequities and to prevent hardship and (*ii*) increased with released acreage available to the county committee under paragraphs (j) and (k) of this section.

(i) *Availability of reserves for inspection by interested producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve shall be available in the office of the county committee for examination by any interested producer.

(j) *Release and reapportionment of extra long staple cotton acreage allotments.* Any part of any 1956 farm acreage allotment which will not be used in 1956 and which is voluntarily released to the county committee by the farm owner or operator by the applicable closing date shall be deducted from the farm acreage allotment and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments in the same county in amounts determined by the county committee to be fair and reasonable on the basis of past acreages of extra long staple cotton, land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, and soil and other physical facilities affecting the production of such cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long staple cotton can normally be planted on farms in the State or area with reasonable expectation of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1316 (g) Any farm acreage allotment released for 1956 only shall, in determining future farm acreage allotments, be regarded as having been planted on the farm from which such allotment was released if extra long staple cotton was planted on such farm in at least one of the years in the three-year farm base period, except that acreage released by the owner or operator of a new ELS cotton farm will not be regarded as planted on such farm unless a part of such allotment is retained and extra long staple cotton is planted on the farm in 1956. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm, and reapportioned as provided in this paragraph. In determining future farm acreage allotments, the planting in 1956 of reapportioned acreage allotments shall not be considered. For the purpose of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted. Notwithstanding the foregoing provisions of this paragraph, the county committee shall not accept a release of a farm acreage allotment permanently or for 1956 only, if (1) such release is opposed by the owner or operator or the holder of a real estate lien on the farm, or (2) the county committee determines that the farm is being acquired for governmental or other public purposes.

(k) *Apportionment of surrendered acreage allocated to county by State committee.* The acreage apportioned to the county under paragraph (g) of § 722.1316 may be used by the county committee for establishing and adjusting farm acreage allotments for new ELS cotton farms or small farms or to correct inequities and to prevent hardship in accordance with the provisions of paragraphs (e) and (f) of this section.

§ 722.1318 *Publicly-owned agricultural experiment stations*—(a) *Acreage allotments for farms operated by publicly-owned agricultural experiment station.* A farm acreage allotment shall be established pursuant to the provisions of § 722.1317 for a farm operated by a publicly-owned agricultural experiment station.

(b) *Conditions under which production is exempted from penalty.* The marketing penalty shall not apply to the marketing of any extra long staple cotton of the 1956 crop which is grown, for experimental purposes only, on a farm operated by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station. Where the acreage planted to extra long staple cotton on a farm operated by a publicly-owned agricultural experiment station is in excess of the farm acreage allotment, the acreage used for determining the marketing excess, if any, for the farm shall be the smaller of (1) the acreage planted to extra long staple cotton on the farm in excess of the farm acreage allotment, or (2) the acreage planted to extra long staple cotton on the farm which is not for experimental purposes. Also, the marketing penalty shall not apply to extra long staple cotton produced for experimental purposes on other land by a person pursuant to a written agreement with a publicly-owned agricultural experiment station whereby the experiment station bears the costs and risks incident to the production of the extra long staple cotton and the proceeds from the crop inure to the benefit of the experiment station and such agreement is approved by the State committee. Such approval will be given if the State committee finds that the agreement conforms to the requirements of this subparagraph.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1319 *Notice of farm acreage allotment and marketing quota.* Immediately after farm acreage allotments in a county or other local administrative area are established and approved by the State committee pursuant to § 722.1328 (a) the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of each new ELS cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established, a similar written notice showing "None" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecroper will be interested in the extra long staple cotton produced on the farm for which this acreage allotment and marketing quota are established" Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the extra long staple cotton produced in 1956 on the farm for which the notice is given. Insofar as practicable, the notice for each old ELS cotton farm shall be prepared and mailed to the operator so as to be received prior to the referendum to determine whether extra long staple cotton farmers favor or oppose marketing quotas for the 1956 crop. Where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for in this section, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

§ 722.1320 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1956 crop of extra long staple cotton shall be the actual production of extra long staple lint cotton on the farm less the farm marketing excess.

§ 722.1321 *Amount of the farm marketing excess.* The farm marketing excess for the 1956 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm in excess of the farm acreage allotment: *Provided,* That, such farm

marketing excess shall not be larger than the amount by which the actual production of extra long staple cotton on the farm exceeds the normal production of the farm acreage allotment if the producer establishes such actual production in accordance with regulations to be issued under this part by the Secretary.

§ 722.1322 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area. The listing sheets on which farm acreage allotments are determined shall be kept available with the Chairman of the county committee at the office of the county committee.

§ 722.1323 *Successors - in - interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton, or in extra long staple cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of extra long staple cotton.

§ 722.1324 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and, except as specifically provided for in § 722.1317 (j) and (k) may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1325 *Measurement of farms to determine compliance with allotments*—(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment if the farm operator requests such measurement and pays the cost thereof, as determined by the county committee, and any farm on which such measured acreage is the only acreage planted to extra long staple cotton shall be deemed to have an acreage not in excess of the farm acreage allotment.

(b) *Measurement after planting.* Measurement of the acreage planted to extra long staple cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with the following provisions:

(1) The measurement of the farm shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. A reporter may be assisted in the measurement of a farm by another reporter, a community, county, or State committeeman, a State committee representative, any employee of the county office when authorized by the county office manager or by any employee of the U. S. Department of Agriculture when authorized by the Deputy Administrator. The reporter may request the operator or producer or his representative to designate all fields on the farm on which extra long staple cotton was planted in 1956 and otherwise to assist in measuring the farm. If so requested, the operator or producer or his representative shall so designate all fields planted to extra long staple cotton on the farm in 1956. The reporter may utilize any assistance from the operator or producer or his representative in measuring the farm.

(2) The county office manager shall have responsibility for assigning, in writing, insofar as practicable, the farms in the county to be measured by a reporter.

(3) A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will obtain and exhibit to the farm operator, producer, or owner his written assignment to measure the farm.

(4) Measurement may be made by identification of fields or parts of fields by use of a map or aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator, or by a combination of two or more of the foregoing methods. The pertinent data and information for the farm shall be entered by the reporter on the Form CSS–578, and on maps or aerial photographs where applicable, and filed in the county office. Computations of acreages shall be made by an employee in the county office from the data so obtained, and the use of a planimeter or rotometer in connection therewith is authorized.

(5) Measurements of whole fields made prior to the effective date of this § 722.1325 and in accordance with existing procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the acreage planted to extra long staple cotton in 1956 and the acreage of such cotton in excess of the 1956 farm acreage allotment.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee shall notify the farm operator by mail of the 1956 measured acreage of extra long staple cotton on the farm. If such acreage is in excess of the farm acreage allotment, the county committee shall also notify the farm operator that unless the acreage of extra long staple cotton on the farm is adjusted to the farm acreage allotment within the time established under this paragraph the farm marketing excess for the farm will be determined on the basis of the excess acreage and the normal yield for the farm. Notice so given shall constitute notice to each producer having an interest in the 1956 crop of extra long staple cotton produced on the farm. If producers on the farm do not dispose of the excess acreage of extra long staple cotton within 20 days after notice of the measured extra long staple cotton acreage is mailed to the farm operator as provided in this paragraph, or within 20 days after notice of the remeasured extra long staple cotton acreage determined pursuant to paragraph (d) of this section is mailed to the farm operator, and a request in writing for additional time and a showing to the satisfaction of the county committee that circumstances beyond their control prevented the disposition of the excess acreage within the applicable 20-day period is filed with the county committee, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No extra long staple cotton acreage shall be disposed of for purposes of adjusting the planted acreage of such cotton to the farm acreage allotment after any cotton has been harvested from such planted acreage.

(d) *Remeasurement.* The county committee shall provide for the remeasurement, upon request by the farm operator, of the acreage planted to extra long staple cotton on the farm, but the operator shall be required to deposit with the treasurer of the county committee an amount equal to the estimated cost of such remeasurement and such deposit shall not be returned to the farm operator if the planted acreage is found upon such remeasurement to be in excess of the farm acreage allotment. Where the farm operator requests an additional remeasurement of the acreage planted to extra long staple cotton on the farm, the county committee shall provide for such remeasurement only if it finds, on the basis of evidence presented by the farm operator and other available information or data, that an error was probably made in the prior remeasurement.

(e) *Measurement of acreage disposed of.* If the excess acreage of extra long staple cotton on any farm is disposed of within the time allowed pursuant to paragraph (c) of this section and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement.

§ 722.1326 *Future effect of underplanting or overplanting farm acreage allotment*—(a) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1956 and the acreage of such cotton in 1956 is less than the 1956 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to extra long staple cotton on the farm in 1956, and the additional acreage added to the extra long staple cotton acreage history for the farm shall be added to the extra long staple cotton acreage history for the county and State.

(b) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in

1956 in excess of the farm acreage allotment for the 1956 crop of extra long staple cotton shall not be taken into account in establishing State, county, and farm acreage allotments for 1957 and subsequent crops of extra long staple cotton.

§ 722.1327 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving extra long staple cotton acreage allotments, all records pertaining to extra long staple cotton acreage allotments and marketing quotas.

§ 722.1328 *Approval of county committee determinations and redelegation of authority by the State committee—*(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may revise or require revision of any determinations made under §§ 722.1311 to 722.1325. All acreage allotments for both old and new ELS cotton farms shall be approved by the State committee, and no official notice of farm acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.1317 to 722.1328 (a), inclusive, may be redelegated by the State committee.

REVIEW OF FARM ACREAGE ALLOTMENT

§ 722.1329 *Review of farm acreage allotment—*(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment established for his farm, or in the case of a new ELS cotton farm with the action of the county committee in refusing to establish a farm acreage allotment for such farm, may, by making application within 15 days after the mailing to him of the notice provided for in § 722.1319, have such allotment reviewed by a review committee composed of three farmers appointed by the Secretary pursuant to section 363 of the act. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment in an amount which, under the act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment shall be final. All applications for review shall be made in accordance with the marketing quota review regulations issued by the Secretary, a copy of which may be obtained from the county committee.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 18th day of November 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9449; Filed, Nov. 21, 1955; 4:36 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[959.313 Amdt. 2]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959; 20 F R. 7068) regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of Irish potatoes grown in the production area.

Order as amended. The provisions of paragraph (b) (5) of § 959.313 (FEDERAL REGISTER October 11 and October 27, 1955; 20 F R. 7567, 8071) are hereby amended to read as follows:

(5) During the period November 21, 1955, to June 30, 1956, both dates inclusive: (i) No handler shall ship (*a*) potatoes for export which do not meet the requirements of the U. S. No. 1 or better grade, 1½ inches minimum diameter, or (*b*) potatoes for dehydration or manufacture or conversion into starch, flour, or alcohol which do not meet the requirements of 85 percent of the U. S. No. 1 or better grade, 1½ inches minimum diameter; (ii) potatoes grown in a particular district and which fail to meet applicable grade and size requirements of this section because of damage from shriveling or sprouting caused by the conditioning of the potatoes for potato chipping may be shipped for use for potato chipping; (iii) potatoes grown in a particular district and which by clipping second growth could be made to meet the aforesaid applicable grade and size requirements may be shipped for use for potato chipping without such clipping; (iv) potatoes grown in a particular district and which meet the aforesaid applicable grade and size requirements may be commingled in the handling thereof for use for potato chipping; (v) potatoes of the Kennebec variety grown in a particular district and which fail to meet applicable grade and size requirements because of damage from hollow heart may be shipped for use for potato chipping; and (vi) potatoes grown in a particular district which have been conditioned for use for potato chipping and from which more than one-fourth of any potato has been cut away may be shipped for use for potato chipping if such potatoes otherwise meet the applicable grade and size requirements.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 17th day of November 1955 to become effective November 21, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-9393; Filed, Nov. 22, 1955; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 66]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as

amended (21 U. S. C. 123, 125) sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117) § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931, 4397, 4841, 5256, 5709, 6076, 6575, 7134, 7897, 8364) which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (11) of paragraph (a) relating to San Mateo County in California, is deleted.

2. Subparagraph (1) of paragraph (a) relating to California, is amended to read:

(1) E. ½ Sec. 13, T. 3 S., R. 3 W., MDBM, in Alameda County.

3. Paragraph (e), relating to Rockland County in New York, is deleted.

4. Subparagraph (12) of paragraph (a) relating to California, is amended to read:

(12) NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; and SE. ¼ of T. 5 S., R. 1 W., MDBM, in Santa Clara County.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following area in California within the areas quarantined because of vesicular exanthema.

SE. ¼ of T. 5 S., R. 1 W., MDBM, in Santa Clara County.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will apply to such area.

The amendment also excludes certain areas in California and New York from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended, 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 16th day of November 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Service.

[F. R. Doc. 55-9420; Filed, Nov. 22, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6380]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

THE BEST FOODS, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.135 *Nature:* Product or service. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1685 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 12, 15, 52 Stat. 114, as amended; 15 U. S. C. 45, 52, 55) [Cease and desist order, The Best Foods, Inc., New York, N. Y., Docket 6380, November 8, 1955]

This proceeding was heard by Everett F. Haycraft, hearing examiner, on the complaint of the Commission—charging respondent corporation with falsely representing its "Nucoa" margarine in advertising as a dairy product and as richer in milk properties than butter—and an agreement between respondent and counsel supporting the complaint providing for the entry of a consent order in accordance with § 3.25 of the Commission's rules of practice.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which by the Commission's order of November 8, 1955, became, pursuant to § 3.21 of the rules of practice, the "Decision of the Commission."

The order to cease and desist is as follows:

It is ordered, That the respondent, The Best Foods, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine or margarine, do forthwith cease and desist from, directly or indirectly,

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any statement, word, grade designation, design, device, symbol, sound or any combination thereof which represents or suggests that said product is a dairy product;

Provided, however, That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate, and full statement of all of the ingredients contained in said product, or of a truthful statement that said product contains skim milk, milk-minerals or any other dairy product provided the percentage thereof contained is clearly and conspicuously set forth.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act of said product any advertisement which contains any of the representations prohibited in paragraph one of this order.

By said "Decision of the Commission", report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: November 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-9404; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket 6272]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

GARY SALES CO., INC., ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling;* § 13.2480 *In merchandising.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Gary Sales Company, Inc., et al., New York, N. Y., Docket 6272, November 8, 1955]

In the Matter of Gary Sales Company, Inc., a Corporation, and Sam Frank, Norman Eisner, Henry Davis, and Eli Tockar, Individually and as Officers of Gary Sales Company, Inc.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, on the complaint of the Commission, charging respondents with furnishing pull cards for the sale of their jewelry, novelties, household articles, cookware, silverware, etc., to purchasers by means of a game of chance, gift enterprise, or lottery scheme.

Following respondents' answer and hearings, the hearing examiner made his initial decision, including findings and conclusions and order to cease and desist, from which respondents appealed.

The Commission, in a per curiam decision, denied the appeal and disposed of the matter by a "Final Order", dated November 8, 1955, as follows:

This matter having come before the Commission upon respondents' appeal from the hearing examiner's initial decision and the matter having been heard on the whole record, including briefs

(oral argument not having been requested), and the Commission having rendered its decision denying respondents' appeal and affirming the initial decision;

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

The order in the initial decision, thus affirmed as the decision of the Commission, is as follows:

It is ordered, That Respondent Gary Sales Company, Inc., a corporation, and its officers, Sam Frank, Norman Eisner, Henry Davis, and Eli Tockar, individually, and Respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of jewelry, novelties, household articles, cookware, silverware, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others pull cards or any other device or devices which are designed or intended to be used in the sale and distribution of Respondents' merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

2. Shipping, mailing and transporting to agents or distributors or to members of the public pull cards or any other device or devices which are designed or intended to be used in the sale and distribution of Respondents' merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

Issued: November 8, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-9405; Filed, Nov. 22, 1955; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulation

[Amdt. 8]

MISCELLANEOUS AMENDMENTS

The following amendments are made to the Armed Services Procurement Regulation:

PART 1—GENERAL PROVISIONS

SUBPART A—INTRODUCTION

The Department of Defense Code of Conduct for personnel engaged in procurement and related activities has been restated in § 1.113.

§ 1.113 *Code of conduct.* All governmental personnel engaged in procurement and related activities shall conduct business dealings with industry in a manner above reproach in every respect. Transactions relating to expenditure of public funds require the highest degree of public trust to protect the interests of the Government. While many Federal laws and regulations place restrictions on the actions of Governmental personnel, the latter's official conduct must, in addition, be such that the individual would have no reticence about making a full public disclosure thereof.

SUBPART C—GENERAL POLICIES

1. Amendments to § 1.302–4 (a) (1), (b) (2) and (d) (2) implement ODM Defense Manpower Policy No. 4, Amendment No. 1, effective 27 July 1955, which provides for preferences to firms in areas which are not classified as "labor surplus areas" but which are individually certified as areas of substantial labor surplus by a local Employment Security Office of the Department of Labor. Section 1.302–4, as revised, reads as follows:

§ 1.302–4 *Firms performing contracts in labor surplus areas*—(a) *Definitions.* (1) "Labor Surplus Areas" are those (i) classified as such by the Department of Labor and set forth in a list entitled, "Areas of Substantial Labor Surplus" issued by that Department in conjunction with its publication, "Bi-Monthly Summary of Labor Market Developments in Major Areas," and (ii) areas which are not classified by the Department of Labor but which are individually certified as areas of substantial labor surplus by a local Employment Security Office at the request of any firm located in the areas, which is bidding for a procurement involving set-asides.

(2) "Set-asides," as used in this part, designates a method of procurement whereby a portion of the requirement, as determined by the procurement activity, is withheld from general solicitation (either formally advertised or negotiated) is reserved for negotiation exclusively with firms located in labor surplus areas, and is to be performed substantially within such labor surplus areas.

(b) *Policy.* Defense Manpower Policy No. 4 (revised 5 November 1953) issued by the Director of Defense Mobilization, directs the placement of supply contracts, at prices no higher than might otherwise be obtainable elsewhere, with such suppliers as will perform contracts substantially in current labor surplus areas. Accordingly, the Departments shall comply with the following:

(1) Use their best efforts to award negotiated procurements to contractors located within labor surplus areas for performance substantially within such labor surplus areas to the extent that procurement objectives will permit: *Provided,* That in no case shall price differentials be paid for the purpose of carrying out this policy.

(2) Where deemed appropriate, set aside portions of procurements for negotiation exclusively with firms located in classified labor surplus areas at prices no higher than those paid on the non set-aside portions of such procurements: *Provided,* That a substantial proportion of the production under such contracts will be performed within such labor surplus areas; *Provided further,* That a firm located in an area not classified by the Department of Labor shall be eligible for participation in a set-aside if such firm submits a certificate obtained from the local Employment Security Office that a substantial labor surplus exists in the area. (For detailed procedures see §§ 2.205, 3.105, and 3.219 of this subchapter.)

(3) Assure that firms in labor surplus areas which are on appropriate bidders' lists are given the opportunity to submit bids or proposals on all procurements for which they are qualified and on which small business joint determinations have not been made. Whenever the number of firms on a bidders' list is excessive, a representative number of firms from labor surplus areas shall be included for the particular procurement.

(4) In the event of tie bids or proposals on any procurement, the contract shall be awarded in accordance with § 2.406–4.

(5) Encourage prime contractors to award subcontracts to firms in labor surplus areas.

(6) Cooperate with other agencies listed in Defense Manpower Policy No. 4 in achieving the objectives of this policy.

(c) *Application.* The above policy shall be applicable to procurements estimated to be in excess of $25,000.

(d) *Implementation.* (1) The Departments shall cause information identifying labor surplus areas as defined above to be disseminated to appropriate procurement personnel. When an entire industry is depressed, the Director of Defense Mobilization may establish appropriate measures upon an industry-wide, rather than a normal geographical, basis. Designations of such industries will be accomplished by ODM Notifications, and such industries will thereafter be given special treatment as specified therein.

(2) The Department of Labor has provided standard criteria to the local Employment Security Offices for use in certifying non-classified areas. Contracting Officers will accept the certification of the local Employment Security Office, in each individual procurement in which a certification is submitted.

(3) Procedures shall be established with respect to the issuance of invitations for bids and requests for proposals as set forth in §§ 2.205–3 and 3.105 of this subchapter. Awards of contracts involving labor surplus areas shall be made in accordance with § 3.219 of this subchapter.

(4) Contract files shall be documented to indicate the extent to which labor surplus areas were considered and the action taken with regard thereto.

2. The words "whenever possible" have been deleted from the first sentence of § 1.306–2, between "United States" and "regardless." The revised § 1.306–2 reads as follows:

§ 1.306–2 *Shipments originating within the continental United States for ultimate delivery outside the continental United States.* Unless there are valid

reasons to the contrary purchases of supplies within the continental United States for ultimate delivery to destinations outside of the continental United States, regardless of the quantity of the shipment, shall be made on the basis of delivery f. o. b. carrier's equipment, wharf, or freight station (at the Government's option) at or near contractor's plant, at a specified city or shipping point. Shipments included in this policy are those in which supplies are shipped directly to a port area for export or to storage areas for subsequent reshipment to a port area for export.

(R. S. 161; 5 U. S. C. 22)

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

1. A new § 2.204–9 authorizes the release of a list of names of prospective bidders (on construction contracts only) who have been furnished copies of plans and specifications, to trade journals, prospective subcontractors, material suppliers and others having a bona fide interest in such information. Section 2.204–9 as revised reads as follows:

§ 2.204–9 *Release of names of prospective bidders on construction contracts.* When invitations for bids for construction contracts have been issued, trade journals, prospective subcontractors, material suppliers, and others having a bona fide interest in such information, will be supplied, upon request, with a list of names of all prospective bidders who have been furnished copies of the plans and specifications.

2. A new § 2.205–3 (c) has been added implementing ODM Defense Manpower Policy No. 4, Amendment No. 1, effective 27 July 1955, which provides for preferences to firms in areas which are not classified as "labor surplus areas" but which are individually certified as areas of substantial labor surplus by a local Employment Security Office of the Department of Labor. Section 2.205–3, as amended, reads as follows:

§ 2.205–3 *Special conditions to be inserted in invitations for bids.* Whenever it has been determined to set aside a quantity of a procurement in accordance with § 1.302–4 of this subchapter, the invitation for bids covering procurement of the items not set aside shall provide that:

(a) "Set-asides" in aid of labor surplus areas may be utilized.

(b) The right to participate in subsequent negotiation for any "set-asides" shall be conditioned upon the submission of a bid upon the items not set aside at a unit price within 120 percent of the highest award made with respect to quantities not set aside.

(c) Firms located in areas not classified by the Department of Labor will be eligible for participation in any set-aside only upon the submission of a bid accompanied by a certification from the local Employment Security Office that the firm is located in an area of substantial labor surplus.

SUBPART E—QUALIFIED PRODUCTS

Section 2.505 has been amended to provide that only bids offering products which have been approved and qualified shall be considered in making an award. However, manufacturers whose products are not listed, but which have been qualified or approved, should be given an opportunity to offer evidence thereof in the time interval before the final award is made. A new provision to be inserted in invitations for bids is set forth in § 2.505–2. Section 2.505–3 remains unchanged. Sections 2.505–1 and 2.505–2, as amended, read as follows:

§ 2.505 *Procurement of qualified products.*

§ 2.505–1 *Contracts entered into by formal advertising.* Whenever procurement of qualified products by a Department is made pursuant to formal advertising in accordance with the provisions of this part, only bids offering products which have been approved or qualified shall be considered in making an award. Manufacturers having products not listed but which have been qualified or approved should be given consideration and an opportunity to offer evidence of such qualification or approval in the time interval before final award must be made.

§ 2.505–2 *Solicitation of bids.* In formally advertised procurements involving qualified products, the following provision shall be inserted in invitations for bids:

With respect to products requiring qualification, awards will be made only for such products as have, prior to the bid opening date, been tested and approved for inclusion in the Federal Qualified Products List (insert here the title of the applicable Federal Qualified Products List or Lists), whether or not such products have actually been so listed by that date. Manufacturers are urged to communicate with the (insert here the name and address of the applicable office) and arrange to have the products that they propose to offer tested for qualification.

(R. S. 161; 5 U. S. C. 22)

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

1. Section 3.105 has been revised to implement ODM Defense Manpower Policy No. 4, Amendment No. 1, effective 27 July 1955, which provides for preferences to firms in areas which are not classified as "labor surplus areas", but which are individually certified as areas of substantial labor surplus by a local Employment Security Office of the Department of Labor. Section 3.105, as revised, reads as follows:

§ 3.105 *Aids to labor surplus areas in negotiated procurements.*

§ 3.105–1 *General.* In implementing the policy set forth in § 1.302–4 of this subchapter, quantities of negotiated procurements may be set aside in the same manner as provided in § 2.205 of this subchapter for formally advertised procurements. The determination of quantities to be set aside shall be governed by § 2.205–2 of this subchapter. The procedures for negotiation of "set-asides" are set forth in § 3.219.

§ 3.105–2 *Special conditions to be inserted in requests for proposals.* Whenever it has been determined to set aside a quantity of a procurement in accordance with § 1.302–4 of this subchapter, the Request for Proposals covering procurement of the items not set aside shall provide that:

(a) Set-asides in aid of labor surplus areas may be utilized.

(b) The right to participate in subsequent negotiation for any "set-asides" shall be conditioned upon the submission of an initial proposal upon the items not set aside, conforming with the Request for Proposals, at a unit price within 120 percent of highest award with respect to the quantities not set aside.

(c) Firms located in areas not classified by the Department of Labor will be eligible for participation in any set-aside only upon the submission of a proposal accompanied by a certification from the local Employment Security Office that the firm is located in an area of substantial labor surplus.

2. Section 3.107 has been added, setting forth a uniform Department of Defense policy to the effect that requests for proposals will contain a deadline for submission of proposals with a saving clause authorizing the Government to consider late proposals before award is made. Upon receipt of a late proposal, the contracting officer will submit the case to such authority as required by the Departments; if a decision is made to consider the late proposal, the contracting officer shall resolicit all firms which have submitted proposals and have been determined to be capable of meeting requirements, as follows:

§ 3.107 *Late proposals and late unsolicited revisions to proposals.*

§ 3.107–1 *Clause.* In all negotiations where proposals are being sought from more than one prospective contractor there shall be included in the request for proposals a statement of the desired deadline date for the submission of proposals and the following statement which is contained in paragraph 9 (c) of the terms and conditions on the reverse side of DD Form 746,[1] "Request for Proposals and Proposal (Negotiated Fixed Price Contract)": "Late Proposals. The Government reserves the right to consider proposals or modifications thereof received after the date indicated for such purpose, but before award is made, should such action be in the interest of the Government."

§ 3.107–2 *Procedure.* It is important and desirable that the Government not be precluded in specific situations from gaining the benefit of advantageous late proposals, but it must be recognized that careful consideration of such situations is required to prevent abuses. To assure such consideration, the following procedure is established:

(a) In each case in which a late low proposal, or a late proposal otherwise

[1] Filed as part of original document.

worthy of consideration, is received from a qualified firm, the Contracting Officer shall document a recommended course of action which he deems to be in the best interests of the Government, taking into account all pertinent factors, and shall refer it for decision to such other authority as may be prescribed by the department concerned.

(b) In the event it is determined by such other authority that it is in the best interests of the Government to consider the late proposal, the Contracting Officer shall resolicit all firms which have submitted proposals and have been determined to be capable of meeting requirements.

(R. S. 161; 5 U. S. C. 22)

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

A typographical error in paragraph (e) of the contract clause set forth in § 7.106–2 is corrected, so that revised unit prices shall not exceed 110 percent of the original contract price. Appropriate changes should be made immediately in all local or departmental forms. Section 7.106–2 (e) as revised, reads as follows:

(e) Each contract unit price shall be revised for each month in which, by the terms of this contract, delivery of supplies is required to be made, and such revised contract unit price(s) shall apply to the deliveries of those quantities of supplies required to be made in that month regardless of when actual delivery be made of said quantities of supplies. Each revised contract unit price for any month shall be computed by adding together the following three amounts: (i) the amount (representing the adjusted cost of labor) obtained by multiplying ____ percent of the contract unit price by a fraction, the numerator of which shall be the current labor index and the denominator of which shall be the base labor index; (ii) the amount (representing the adjusted cost of steel) obtained by multiplying ____ percent of the contract unit price by a fraction, the numerator of which shall be the current steel index and the denominator of which shall be the base steel index; and (iii) the amount equal to ____ percent of the original contract unit price (representing that portion of such unit price which relates neither to the cost of labor nor to the cost of steel and which is therefore not subject to revision) provided, however, that any revised contract unit price made pursuant to the provisions of this clause shall in no event exceed 110 percent of the original contract unit price. All computations shall be made to the nearest one-hundredth of one cent.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

A perfecting amendment has been made to the contract clause set forth in § 7.203–11 and as Clause 11, in DD Form 748.[1] Appropriate alterations should be made when the form is used. Section 7.203–11, as amended, reads as follows:

§ 7.203–11 *Excusable delays.* The Contractor shall not be in default by reason of any failure in performance of this contract, in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance), if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes include, but are not restricted to, acts of God or of the public enemy, acts of the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, and failure of subcontractors to perform or make progress due to such causes, unless the Contracting Officer shall have determined that the supplies or services to be furnished under the subcontract were obtainable from other sources and shall have ordered the Contractor in writing to procure such services or supplies from such other sources, and the Contractor shall have failed reasonably to comply with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and if he shall determine that such failure was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause hereof entitled "Termination."

[1] Filed as part of original document.

PART 9—PATENTS, COPYRIGHTS, AND TECHNICAL DATA

SUBPART A—PATENTS

An amendment to § 9.102–1 provides for omission of the Authorization and Consent Clause in purchase orders of $5,000 or less. Section 9.102–1, as revised, reads as follows:

§ 9.102–1 *Authorization and consent in contracts for supplies.* Except as otherwise authorized in § 9.102–2, the following clause shall be included in all contracts for supplies (including construction work) except purchase orders of $5,000 or less:

Authorization and consent. The Government hereby gives its authorization and consent (without prejudice to its rights of indemnification, if such rights are provided for in this contract) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract), of any patented invention (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with (a) specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance. The Contractor's entire liability to the Government for patent infringement shall be determined solely by the provisions of the indemnity clause, if any, included in the contract and the Government assumes liability for all other infringement to the extent of the authorization and consent hereinabove granted.

(Sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20, sec. 638, 66 Stat. 637; 50 U. S. C. App. 1171, 611, 41 U. S. C. 162. E. O. 9001, 6 F. R. 6787, as amended, E. O. 9296, 8 F R. 1429; 3 CFR 1943 Cum. Supp.)

PART 16—PROCUREMENT FORMS

Section 16.011–1 (c) has been amended by omission of the last sentence, "Reproduction and supply of this form shall be the obligation of the contractors" The "Weekly Payroll Affidavit and Certification" form, which is used in construction contracts, will hereafter be supplied by the Government, instead of the contractor. Section 16.011–1 (c), as revised, reads as follows:

§ 16.011 *Compliance with labor clauses.*

§ 16.011–1 *Construction contracts.* * * *

(c) When required by § 12.404–6 (a) of this subchapter and the contract clauses prescribed by § 12.403–1 or § 12.403–4 of this subchapter, a "Weekly Payroll Affidavit and Certification" form, as set forth below, shall be used by the contractor. When the contract clauses prescribed by § 12.403–2 of this subchapter, are applicable the form set forth below shall be used by the contractor with the omission of paragraphs (2) and (3)

(R. S. 161; 5 U. S. C. 22)

PART 30—APPENDIXES TO ASPR

Part 2 of § 30.1 has been revised. Revised rules of the Armed Services Board of Contract Appeals are also obtainable by contractors from the Board. Principal changes involve: filing of pleadings (complaint, answer, and, by direction, a reply) provisions for amendment of pleadings; a procedure to dismiss appeals for failure to state a case; prehearing conferences; filing of notice of appearance by Government Counsel; restriction of representation to attorneys-at-law, unless the Board otherwise authorizes in a particular case (contractors may also appear in person and corporations by their officers) a procedure for recess of hearing when Government Counsel and the contractor are in agreement as to disposition of the controversy to permit reconsideration by the contracting officer; evidence offered shall be such as would be admissible under generally accepted rules of evidence applied in the courts of the United States in non-jury trials. Part 2, as revised, reads as follows:

§ 30.1 *Appendix A—Armed Services Board of Contract Appeals; charter and rules.*

* * * * *

PART 2—RULES

PREFACE TO RULES

The Armed Services Board of Contract Appeals is the authorized representative of the Secretaries of the Army, Navy, and Air Force in hearing, considering and determining as fully and finally as might each of the Secretaries:

(a) Appeals by contractors from decisions on disputed questions by contracting officers or their authorized representatives or by other authorities pursuant to the provisions of Armed Services contracts requiring the determination of appeals by the head of a Department of the Armed Services or by his duly authorized representative or board, or pursuant to the provisions of any directive whereby the Secretary of a Department of

the Armed Services has granted a right of appeal not contained in the contract;

(b) Appeals by Armed Services contractors pursuant to section 13 (c) (1) (i) and section 17 (c) of the Contract Settlement Act of 1944.

When an appeal is taken pursuant to a disputes clause in a contract which provides only for appeals from decisions on questions of fact, the Board may in its discretion hear, consider and decide all questions of law necessary for the complete adjudication of the issue. Unless the contract provides otherwise, when in the consideration of an appeal it appears that a claim for unliquidated damages is involved therein, the Board, insofar as the evidence permits, makes findings of fact with respect to such claims without expressing opinion on questions of liability.

When a contract requires the Secretary of a Department of the Armed Services personally to render a decision on the matter in dispute, the Board submits its findings and recommendations to the Secretary of the Department.

There are three panels of the Board: the Army, Navy, and Air Force panels. In general, appeals are assigned for decision to the panel of the Department whose contract or procurement is directly involved. Each of the panels acts in divisions, which normally consist of three or more members of the panel. Hearings may be held by a division, by a designated member, or by a duly authorized examiner. The decision of a majority of a division constitutes the decision of the panel and of the Board, provided that all three panel chairman signify that in their opinion a review by the full Board is not required. If a majority of the members of a division do not agree upon a decision, or if one or more panel chairmen do not waive review by the full Board, determination of the appeal is made by a majority of the members of the full Board.

SCOPE OF RULES

1. *General.* These rules govern the procedure in all cases before the Board. They shall be construed for the purpose of securing just and inexpensive determination of appeals without unnecessary delay. All pleadings provided for hereunder shall be so construed as to do substantial justice.

PROCEEDINGS PRELIMINARY TO HEARINGS

2. *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

3. *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor taking the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in Rule 5 may be filed with the notice of appeal.

4. *Duties of contracting officer.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing or the date of receipt if otherwise filed and within 10 days shall forward the notice of appeal, and the complaint if filed therewith, to the Board. The contracting officer shall promptly thereafter compile and transmit to counsel for the Government copies of all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(2) The contract and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data pertinent to the appeal;

(4) Transcripts of any testimony taken during the course of the proceedings on the matter in dispute prior to the filing of the notice of appeal with this Board;

(5) Such additional information as the contracting officer may consider material.

When the Board has received the original notice of appeal the Board will promptly so advise the contractor and the contracting officer, and will forward to the contractor a copy of these rules.

5. *Complaint.* Within 30 days after receipt of notice of docketing by the Board of the appeal, or within such longer period of time as may be allowed by the Board, the appellant shall file with the Board, if not previously filed with the notice of appeal, a complaint setting forth simple, concise and direct statements of each of his claims showing that he is entitled to relief. Each claim shall be stated with as much particularity as is practical. No technical form is required, but each claim should be separately identified. Documentary evidence in support of claims may be filed as exhibits to the complaint. All documents filed as exhibits to the complaint shall be plainly listed and identified in the complaint. An original and three copies of the complaint shall be filed. Upon receipt thereof the Recorder of the Board shall serve a copy of the complaint on counsel for the Government.

6. *Answer.* Within 60 days after service of the complaint, or within such longer period of time as may be allowed by the Board, counsel for the Government shall prepare and file with the Board an answer thereto. The answer shall set forth simple, concise and direct statements of the Government's defenses to each claim asserted by appellant. Each defense shall be stated with as much particularity as is practical. Defenses which go to the jurisdiction of the Board may be included in the answer, or may be raised by motion pursuant to the provisions of Rule 10. Counsel for the Government shall at the same time file with the Board the following documents, which shall be plainly listed and identified:

(1) The findings of fact if any and the decision from which the appeal is taken, and the letter or letters or documents of claim in response to which the decision was issued by the contracting officer;

(2) The contract and pertinent plans, specifications, amendments, and change orders.

Documentary evidence in support of the Government's defenses may be filed as exhibits to the answer. All documents filed as exhibits to the answer shall be plainly listed and identified in the answer. An original and three copies of the answer shall be filed with the Board. Upon receipt thereof the Recorder shall serve a copy of the answer on appellant or his attorney.

7. *Appeal file; inspection of file.* The notice of appeal, the complaint and exhibits attached thereto, the answer and exhibits attached thereto and the documents required to be filed therewith pursuant to Rule 6, all papers filed by the parties with the Board pursuant to these rules, and all correspondence exchanged between the Board and the parties or their attorneys shall constitute the appeal file, which shall be available for inspection by appellant and Government counsel at the offices of the Board. Prior arrangements for inspection of the file should be made with the Recorder of the Board.

8. *Amendments of pleadings.* At any time before oral hearing or before submission of a case by the parties without an oral hearing the Board in its discretion may permit a party, within the proper scope of the appeal, to amend its complaint or answer, upon conditions just to both parties. The Board upon its own initiative or upon application by a party may in its discretion order a party to make a more definite statement of its complaint or answer, or to reply to an answer. When issues within the proper scope of the appeal but not raised by the complaint and answer are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised therein. Such amendment of the complaint and answer as may be necessary to cause them to conform to the evidence may be made upon motion at any time, even after decision, but failure so to amend does not affect the result of the trial of these issues. If evidence is objected to at the hearing on the ground that it is not within the issues made by the complaint and answer, the hearing member or examiner may allow the pleadings to be amended within the proper scope of the appeal and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the hearing member or examiner that the admission of such evidence would prejudice him in maintaining his case or defense upon the merits. The hearing member or examiner may, however, grant a continuance to enable the objecting party to meet such evidence.

9. *Trial briefs.* The Board in its discretion may order the submission of trial briefs prior to assignment of a case for oral hearing.

10. *Motions to dismiss.* Defenses which go to the jurisdiction of the Board may be raised by motion. Filing of motions to dismiss for lack of jurisdiction shall not be unreasonably delayed. The Board, however, has the right at any time to recognize its lack of authority to proceed in a particular case. Motions to dismiss for lack of jurisdiction shall, on application of either party, be heard and determined before oral hearing on the merits unless the Board orders that determination of the motion be deferred pending oral hearing on both the merits and the motion.

11. *Failure to state a case.* In the event, after completion of the pleadings, the Board finds that appellant has failed to state a case on which any relief could be granted by the Board, the Board may give notice to appellant to show cause why the appeal should not be dismissed on the ground that no useful purpose would be served by setting the case for oral hearing on the merits. Appellant, in such event, will be afforded the opportunity to be heard orally for the purpose of showing cause why the appeal should not be dismissed on that ground, and if appellant so desires to move to amend the complaint, within the proper scope of the appeal. If the Board thereafter finds appellant has failed to show cause, and finds that the complaint, with such amendments as may be offered by appellant, fails to state a case on which the Board could grant relief, the appeal shall be dismissed.

12. *Depositions.* Depositions which a party desires to take for the purpose of offering in evidence shall be taken in accordance with the procedure set forth in the Appendix to Rules.

13. *Interrogatories to parties; inspection of documents; admission of facts.* Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to

serve upon the opposing party a request for the admission of specified facts. Such applications shall be received and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to the proper pursuit of that objective in the particular case.

14. *Prehearing conferences.* In any case the Board in its discretion, upon its own initiative or upon the application of one of the parties, may call upon the parties or their attorneys or representatives to appear before a member or examiner of the Board for a conference to consider:

(1) The simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the appeal.

The presiding member or examiner, at the conclusion of such a conference, shall make such order as in his discretion is found to be appropriate with reference to action taken at the conference, amendments allowed or to be made to the pleadings, agreements made by the parties as to any of the matters considered, and limitation of issues for trial.

15. *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the registry receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

HEARINGS

16. *Where held.* Hearings will be held at the office of the Board in Washington, D. C. unless it is otherwise ordered by the Board. Hearings will not ordinarily be held elsewhere, but if a request therefor is seasonably made and good cause therefor appears, the Board may order a hearing to be held at another location.

17. *Notice of hearings.* Appellant and Government counsel shall be given at least 15 days' notice of the time and place of hearing.

18. *Submission without a hearing.* If either party does not wish to appear or be represented at a hearing, the Board shall be so advised. A party who so advises the Board may submit a brief within 20 days after the date assigned for the hearing, or within such other period of time as may be allowed by the Board. If both parties advise the Board that an oral hearing is not desired, briefs may be submitted by the parties within such period of time as may be allowed by the Board.

19. *Absence of parties or counsel.* The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be the occasion for delay. In such event the hearing will proceed and the case will be regarded as submitted by the absent party.

20. *Nature of hearings.* Hearings shall be as informal as may be reasonably allowable and appropriate under all the circumstances. Appellant and Government counsel may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the exercise of reasonable discretion by the presiding member or examiner in supervising the extent and manner of presentation of such evidence. Letters or copies thereof, affidavits, or other evidence, not ordinarily admissible under the generally accepted rules of evidence, may be received in evidence at the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be determined by the Board in the exercise of reasonable discretion under all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used in evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may, however, in any case, require additional evidence.

21. *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated or the Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, U. S. C., secs. 287, 1001; sec. 19 of the Contract Settlement Act of 1944 (41 U. S. C. sec. 119), and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

22. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or, at the conclusion thereof.

23. *Briefs.* All briefs shall be filed within 20 days after conclusion of the hearing, or within such other period of time as may be allowed by the Board.

24. *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

25. *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

REPRESENTATION

26. *The contractor.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or by an attorney at law duly licensed in any State, Commonwealth, Territory, or in the District of Columbia. The Board may authorize a contractor to appear by a duly authorized representative other than those mentioned in a special case, but for the purposes of that case only.

27. *Status of Government counsel.* Government counsel designated by the various departments to represent the departments, agencies, and bureaus cognizant of the disputes brought before the Board may in accordance with their authority represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Government counsel may, when it appears to them that there are questions of fact as to which there is no substantial controversy, agree with appellant or his attorney as to such facts by written stipulation or otherwise. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer; provided, however, that if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement the case shall be restored to the Board's calendar for hearing without loss of position.

DECISIONS

28. Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be available to public inspection at the offices of the Board in Washington, D. C.

MOTIONS FOR RECONSIDERATION

29. A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

DEFINITIONS

30. (a) As used in these rules the term "contracting officer" includes any officer or other authority whose decision may be reviewed by the Board pursuant to the joint directive of the Secretaries of the Army, Navy, and Air Force effective 1 May 1949.

(b) As used in these rules the term "Board" means the full Board, president of the Board, panel, chairman of a panel, member, or examiner, as may be appropriate, except that in Rule 11 the term "Board" refers to action of the Board by written decision in accordance with the procedures set forth in the Board's charter.

EFFECTIVE DATE AND APPLICABILITY

31. These rules shall take effect on the first day of the second month following the month in which they are approved by the cognizant Assistant Secretaries of the Department of the Army, Department of the Navy and the Department of the Air Force. Except as otherwise directed by the Board, these rules shall not apply to appeals which have been docketed prior to their effective date.

Approved this 30th day of June 1955.

F. H. HIGGINS,
Assistant Secretary of the Army (L & R & D).

R. H. FOGLER,
Assistant Secretary of the Navy (Material).

ROGER LEWIS,
Assistant Secretary of the Air Force (Materiel).

APPENDIX TO RULES

DEPOSITIONS

1. *When depositions may be taken.* After an appeal has been docketed by the Board either party may take the testimony of any person by deposition upon oral examination or written interrogatories for use as evidence in the appeal proceedings.

2. *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United

States, or by the laws of the place where the deposition is taken, to administer oaths.

3. *Written interrogatories.* (a) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the person before whom the deposition is to be taken. Within 15 days thereafter the party so served may serve cross interrogatories upon the party proposing to take the deposition.

(b) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the person designated in the notice who should proceed promptly to take the testimony of the witness in response to the interrogatories.

4. *Oral interrogatories.* When either party desires to take the testimony of any person by deposition upon oral examination, unless the parties stipulate as to the time and place where the deposition is to be taken and the name of the person before whom it is to be taken and the name and address of the witness, such party shall give the opposite party at least 15 days written notice of the time and place where such deposition will be taken and the name and address and official title of the person before whom it is proposed to take the deposition, and the name and address of the witness.

5. *Form and return of deposition.* Each deposition should show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The persons taking the deposition shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and shall enclose the original deposition and exhibits in a sealed packet with postage and other transportation prepaid and forward same to the Recorder, Armed Services Board of Contract Appeals.

6. *Introduction in evidence.* Either party to the appeal may offer depositions in evidence. The entire deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Assistant Secretary of Defense (Supply and Logistics).

NOVEMBER 17, 1955.

[F. R. Doc. 55-9396; Filed, Nov. 22, 1955; 8:48 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

CHECKING ON SPEED BY USE OF ELECTRONIC DEVICE

Part 3 is amended by adding a new paragraph (d) to § 3.28, reading as follows:

(d) *Checking on speed by use of electronic device.* The speed of any motor vehicle may be checked on any public highway in a park area in the States of Maryland and Virginia by the use of radiomicro waves or other electrical device when such highway on which such device is used is clearly marked within four miles of such device and at State lines and at primary streets and highways by the posting of signs indicating radar control, when marked "Speed checked by radar."

(Sec. 6, 30 Stat. 571, sec. 3, 39 Stat. 535, as amended; 8 D. C. Code 143, 16 U. S. C. 3)

Issued this 15th day of November 1955.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55-9399; Filed, Nov. 22, 1955; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

PERMITS FOR COMMERCIAL VESSELS HANDLING EXPLOSIVES AT MILITARY INSTALLATIONS

CROSS REFERENCE: For promulgation of § 19.15, see Title 46, Chapter I, Part 154, *infra.*

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

RATES OF EDUCATION AND TRAINING ALLOWANCES; INSTITUTIONAL ON-FARM TRAINING

In § 21.2052, paragraph (d) (1) is amended to read as follows:

§ 21.2052 *Rates of education and training allowances.* * * *

(d) *Institutional on-farm training.* (1) The education and training allowance of an eligible veteran pursuing institutional on-farm training shall be computed at the rate of $95 per month, if he has no dependent, or $110 per month, if he has one dependent, or $130 per month, if he has more than one dependent, except that:

(i) Prior to October 1, 1955, his education and training allowance shall be reduced at the end of each 4-month period as his program progresses by an amount which bears the same ratio to $65 per month, if the veteran has no dependent, or $80 per month if he has one dependent, or $100 per month, if he has more than one dependent as 4 months bears to his originally approved certified period of enrollment in the course under this law (except as modified in subparagraph (2) of this paragraph).

(ii) On and after October 1, 1955, his education and training shall be reduced at the end of the third, and each subsequent, 4-month period as his program progresses by an amount which bears the same ratio to $65 per month, if the veteran has no dependent, or $80 per month, if he has one dependent, or $100 per month, if he has more than one dependent, as 4-months bears to the total duration of such veteran's institutional on-farm training reduced by 8 months. The provisions of this subdivision are effective October 1, 1955, but for the purpose of computing education and training allowance to be paid to those veterans who are pursuing training on that date or who reenter training after that date, these provisions shall be deemed to have been in effect since July 16, 1952.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 53 Stat. 237, as amended; 33 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1507, 53 Stat. 236, 399, as amended, sec. 201, 66 Stat. 603; 33 U. S. C. 633g, 697–697d, 697f, g, 971, ch. 12A)

This regulation is effective November 23, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator

[F. R. Doc. 55-9397; Filed, Nov. 22, 1955; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable To Certain Vessels During Emergency

[CGFR 55-49]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS[1]

PERMITS FOR COMMERCIAL VESSELS HANDLING EXPLOSIVES AT MILITARY INSTALLATIONS

The Secretary of Defense in a letter dated October 19, 1955, to the Secretary of the Treasury requested a general waiver of quantitative restrictions for commercial vessels loading explosives at the Department of Defense waterfront installations. Section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note preceding 1), states in part as follows:

That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. * * *

Accordingly, the request of the Secretary of Defense for a waiver order is granted. The purpose for this waiver order designated § 154.15, as well as 33 CFR 19.15, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard to the extent that no quantitative restrictions, based on considerations of isolation and remoteness, shall be required by the Coast Guard for commercial vessels loading or unloading explosives at the Department of Defense waterfront installations. It is hereby found that compliance with R. S. 4472, as amended, and the Administrative Procedure Act with respect to notice of

[1] This is also codified in 33 CFR Part 19.

proposed rule making, public rule making procedure thereon, and effective date requirements thereof is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, identified as CGFR 51–1 and published in the FEDERAL REGISTER dated January 26, 1951 (16 F R. 731) the following waiver order is promulgated and shall be in effect on and after the date of publication in the FEDERAL REGISTER:

§ 154.15 *Permits for commercial vessels handling explosives at military installations.* Pursuant to the request of the Secretary of Defense in a letter dated October 19, 1955, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note prec. 1) I hereby waive in the interest of national defense compliance with the provisions of R. S. 4472, as amended (46 U. S. C. 170) and the regulations promulgated thereunder in Part 146 of this chapter to the extent that no quantitative restrictions, based on considerations of isolation and remoteness, shall be required by the Coast Guard for commercial vessels loading or unloading explosives at the Department of Defense waterfront installations. This waiver shall not relieve a commercial vessel loading or unloading explosives at the Department of Defense waterfront installations from the requirement of securing a permit from the Coast Guard for such operations with respect to quantitative or other restrictions imposed by the Coast Guard on the basis of each vessel's ability to meet prescribed stowage and handling requirements.

(64 Stat. 1120; 46 U. S. C., note prec. 1)

Dated: November 16, 1955.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U S. Coast Guard,
Acting Commandant.

[F. R. Doc. 55–9400; Filed, Nov. 22, 1955; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10798; FCC 55–1131]

[Rules Amdt. 2–10]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

ESTABLISHING A PROGRAM FOR CERTIFICATION OF EQUIPMENT ACCEPTABLE FOR LICENSING

1. The Commission has under consideration a petition filed by the Radio-Electronics-Television Manufacturers Association (RETMA) for amendment of § 2.524 (d) (2) formerly designated § 2.523 (b) (4) (iv) (b) of its rules so as to change the effective date specified therein from November 15, 1955, to May 15, 1956. This paragraph of the rules requires field intensity measurements of spurious radiations to be submitted with requests for type acceptance of equipment.

2. The rules in Part 2 concerning type acceptance became effective May 16, 1955, pursuant to rule making proceedings in the above-entitled matter. In the course of these proceedings, the Commission considered a petition by RETMA which requested, among other things, the postponement until November 15, 1955, of the requirement for field intensity measurements of spurious radiations. RETMA proposed to develop a standard measurement technique for field intensity measurement of spurious radiation, based on a correlation test program involving measurements of a given transmitter by various manufacturers and by the Commission's laboratory. The Commission agreed that further development of measurement techniques in this area was needed and that the proposed test program offered promise of providing a generally acceptable measurement technique within a relatively short time. Accordingly, the requirement (§ 2.524 (d) (2)) for field intensity measurements of spurious omissions was made to become effective on and after November 15, 1955. In the meantime, since May 16, 1955, the remainder of the type acceptance requirements in Part 2 have been effective, including the requirement for measurements of spurious omissions by radio frequency voltage measuresments at the output terminals of the equipment (§ 2.524 (d) (1))

3. In support of their request, the petitioners state that the industry test program for development of techniques for field intensity measurement of spurious omission has been carried out energetically but, to date, the refinement of techniques necessary to provide meaningful information in type acceptance applications has not been achieved. It is stated that the correlation test measurements carried out on a single transmitter show an average spread of 12 percent of the decibel value. The petitioners consider this spread excessive and desire to carry out additional tests and to evaluate a new measurement technique which has been proposed to them. Petitioners estimate that a total of six months may be required for completion of their contemplated additional work.

4. It appears from the information presented by the petitioners that additional time is needed for the development of a satisfactory technique for field intensity measurement of spurious omissions. Consequently, a postponement of the effective date of § 2.524 (d) (2) for an additional six months is considered warranted and is being adopted herein.

5. Since the amendment in question relates solely to a change in the effective date of a provision of the rules which would otherwise become effective as of November 15, 1955, notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act would be both impracticable and contrary to the public interest. Moreover, since the effect of the amendment is to relieve for a six month period a restriction otherwise imposed upon persons seeking type acceptance of various types of equipment covered in these proceedings, it may be effective immediately under section 4 (c) of the Administrative Procedure Act.

6. In view of the foregoing considerations and pursuant to the authority contained in sections 4 (i), 301, and 303 of the Communications Act of 1934, as amended; *It is ordered,* That effective immediately, Part 2 of the Commission's rules and regulations is amended as follows:

Section 2.524 (d) (2) is amended by changing the date specified therein from November 15, 1955, to May 15, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: November 16, 1955.

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–9406; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket No. 11181; FCC 55–1138]

[Rules Amdt. 3–1]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; ORDER EXTENDING EFFECTIVE DATE

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 16th day of November 1955;

The Commission has before it for consideration its report and order (FCC 55–802) issued in the above-entitled proceeding on July 22, 1955, amending § 3.614 (b) of its rules relating to antena height and power requirements for VHF television stations in Zone I.

The amendment was originally scheduled to become effective on August 31, 1955. However, on September 1, 1955, the Commission issued an order extending the effective date to October 1, 1955, pointing out that several petitions had been filed with the Commission for reconsideration of its action in this proceeding and requesting that the effectiveness of the amendment be stayed pending such reconsideration. It was noted, also, that several requests had been submitted seeking postponement of the effective date of the amendment until the present studies of the Air Coordinating Committee on the subject of tall towers are completed. Oppositions to the various petitions for reconsideration and requests for stay have also been filed. On September 28, 1955, the Commission further extended the effective date to November 1, 1955; and on October 21, 1955, further extended the effective date to December 1, 1955.

Additional time will be necessary for the Commission to consider the above requests. Accordingly, the Commission believes that the public interest would be served by further staying the effectiveness of the amendment.

In view of the foregoing: *It is ordered,* That the effective date of the amend-

ment of the Commission's rules and regulations adopted by its report and order issued July 22, 1955, in this proceeding, is extended to January 9, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9407; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket No. 10377; FCC 55-1129]

[Rules Amdts. 7-5, 8-6]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations and aircraft stations on currently assignable frequencies for telephony in the band 4000 kc to 18000 kc; and to include authority for operation of such stations on other frequencies for telephony within the same band.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of November 1955;

The Commission having under consideration that portion of its proposal in the above-entitled matter embodied in the sixth further notice of proposed rule making which relates to the availability of the frequency 4115.3 kc and the deletion of the frequency 4402.5 kc in the vicinity of Kahuku, T. H.,

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on September 7, 1955 (20 F. R. 6564) and the period for filing comments has now expired; and

It further appearing that no comments were received with respect to the proposal; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in the original notice of proposed rule making in this docket;

It is ordered, That, effective December 22, 1955, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. In the table of § 7.306 (a) (1) delete the coast station receiving carrier frequency 4402.5 kc for the Hawaiian Islands and substitute therefor the frequency 4115.3 kc.

2. In § 7.306 (b), that portion of the frequency table dealing with Kahuku, T. H., is amended to read as follows:

Kahuku, T. H.	2200 4402.7	None None	2134 4115.3	None. None.

B. Part 8 is amended as follows:

1. In the table in § 8.351 (a) delete the frequency 4402.5 kc.

2. In § 8.354 (a) (1), that portion of the frequency table dealing with Kahuku, T. H., is amended to read as follows:

Kahuku, T. H.	2134 4115.3	None None	2200 4402.7	None. None.

[F. R. Doc. 55-9408; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket No. 11502; FCC 55-1130]

[Rules Amdt. 14-3]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

AUTHORIZED EMISSION OF COAST STATIONS USING TELEGRAPHY IN CERTAIN BANDS

In the matter of amendment of Part 14 of the Commission's rules regarding authorized emission of coast stations using telegraphy in the band 415-490 kc.

At a session of the Federal Communications Commission held in its offices at Washington, D. C., on the 16th day of November 1955;

The Commission having under consideration the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on September 28, 1955 (20 F. R. 7230) and the period for filing comments has now expired; and

It further appearing that no comments were received with respect to the proposal; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 303 (e) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective February 16, 1956 Part 14 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 14 is amended as follows:

1. The table in § 14.152 (b) is amended to read:

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1000 kc	A-1, and for brief testing A-0.
Fixed	From 1605 to 1800 kc (except 1000 kc) From 2000 to 2035 kc From 2107 to 2400 kc From 5000 to 9000 kc	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957, only.
Coast	From 415 to 490 kc	A-1, and for brief testing A-0. A-2, A-2a, A-2b for brief testing and distress, urgency and safety signals, or any communication preceded by one of these signals.
Coast Ship	From 490 to 515 kc From 405 to 515 kc	A-1, A-2, A-2a, A-2b, and for brief testing A-0. A-1, A-2, A-2a, A-2b and for brief testing A-0.
Coast and ship	From 1605 to 1800 kc From 2000 to 2035 kc From 2107 to 2400 kc From 5000 to 9000 kc	A-1, and for brief testing A-0; A-2 until Jan. 1, 1957, only.
Coast and ship	From 2035 to 2107 kc	A-1, and for brief testing A-0.
Coast and ship	On 100.4, 120.5, 150.7 and 170.0 Mc	F-1, F-2, and for brief testing F-0.

[F. R. Doc. 55-9409; Filed, Nov. 22, 1955; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 15th day of November A. D. 1955.

It appearing that by order of October 6, 1955, in this proceeding, the Commission prescribed amended § 207.4 (a) (3) and (5) of the rules and regulations governing lease and interchange of vehicles by motor carriers to become effective December 1, 1955;

And it further appearing that numerous requests have been received representing that the advancement of the effective date of the amended rules and regulations prescribed by the order of October 6, 1955, may result in hardship to persons subject thereto; and good cause appearing therefor:

It is ordered, That the effective date of the order of October 6, 1955, prescribing amended § 207.4 (a) (3) and (5) be and it is hereby postponed from December 1, 1955, to March 1, 1956.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C.

and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9386; Filed, Nov. 22, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117, as amended, and Order No. 14, as amended (19 F R. 2941) regulating the handling of Navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $156,832.83 will be necessarily incurred during the fiscal year November 1, 1955, through October 31, 1956, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of $0.0075 per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handle," "handler," "oranges," and "fiscal year" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "carton" shall mean the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: November 17, 1955.

[SEAL] S. R. SMITH, *Director Fruit and Vegetable Division.*

[F. R. Doc. 55-9418; Filed, Nov. 22, 1955; 8:51 a. m.]

[7 CFR Part 927]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF PROPOSED RULE MAKING; SUSPENSION OF CERTAIN PRICING PROVISIONS OF ORDER

Notice is hereby given that, pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), consideration is being given to the suspension of certain of the provisions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area relating to the pricing of Class I-A milk so that the provisions remaining in effect will result in a Class I-A price of $5.66 for the month of December 1955, and a price of $5.32 for the months of January and February 1956.

Those provisions proposed to be suspended are as follows:

(1) For the month of December 1955, all provisions of paragraph (a) of § 927.40, except the provision "For Class I-A milk the price during each month shall be" (appearing in the first sentence of paragraph (a)) and the provision "the base price of $5.66" (appearing in subparagraph (2))

(2) For the months of January and February 1956, all provisions of paragraph (a) of § 927.40, except:

(a) The provision "For Class I-A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (11) of this paragraph." (appearing in the first sentence of paragraph (a))

(b) The provision "(2) Multiply the base price of $5.66 by" (appearing in subparagraph (2)) and

(c) The provision "0.94" (appearing in subparagraph (11))

All persons desiring to submit data, views and arguments with respect to the foregoing proposed suspension may do so by forwarding four copies thereof postmarked no later than November 26, 1955, to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D. C.

Issued at Washington, D. C., this 21st day of November 1955.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 55-9461; Filed, Nov. 22, 1955; 11:05 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11546; FCC 55-1136]

MECHANICAL REPRODUCTIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of Amendment of §§ 3.188, 3.288, 3.588, and 3.653 of the Commission's rules and regulations relating to mechanical reproductions.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on January 24, 1955, by the National Association of Radio and Television Broadcasters (NARTB) Washington, D. C., requesting it to amend §§ 3.188 (AM), 3.288 (FM), and 3.653 (TV) of its rules and regulations to eliminate certain program interruption occasioned by announcements that broadcasts consist in whole or in part of one or more mechanical reproductions. Present regulations require such announcements for virtually all mechanically reproduced programs. Petitioner proposes that the following wording be substituted for the present text in each of §§ 3.188, 3.288, and 3.653, or, alternatively, that some other amendment be designed to effectuate the same purpose:

(a) No mechanically reproduced program, whether visual or aural, consisting of a speech, news event, news commentator, forum, panel discussion, special event, or any other such program, in which the element of time is of special significance and presentation of which would create, either intentionally or otherwise, the impression or belief on the part of the listening or viewing audience that the event or program being broadcast is in fact occurring simultaneously with the broadcast, shall be broadcast without an appropriate announcement being made at the beginning and conclusion of the broadcast that it is a mechanically reproduced program: *Provided, however* That each such program of one minute or less need not be announced as such.

(b) The exact form of identifying announcement is not prescribed, but the language shall be clear and in terms commonly used and understood. Any other program mechanically produced or series of mechanical reproductions need not be announced as provided in subsection (a) but the licensee shall not attempt affirmatively to create the impression that any program being broadcast by mechanical reproduction consists of live talent.

3. In support of the proposed amendment, the NARTB urges that the present rules governing mechanical reproductions are outmoded and that the great strides which have been made in the recording, transcription, broadcasting and telecasting fields, as well as the existence of a more sophisticated audience response, warrant relaxation of these rules to conform to the situation currently existing in broadcasting. While the Association subscribes to the

broad principle that the public interest is best served by the elimination of industry practices deliberately calculated to mislead or deceive the public in any way, it urges that the present rules extend a protection neither warranted by the actualities of broadcasting nor really desired by the public. The Association submits that there is little possibility of deceiving the public by deletion of the announcement that a broadcast is accomplished by means of mechanical reproduction, except with respect to those programs in which the element of time is of such special significance that the impression or belief would be treated in the mind of the public that the event or program was, in fact, occurring simultaneously with the broadcast, i. e., newscasts, political speeches, panels, forums, news commentators and special events. It maintains that no real benefit results from requiring programs in which the time element is not of special importance to be announced as being mechanically reproduced since a mechanically reproduced program is often superior to a live program today the possibilities of deception are minimal, and such announcements serve only to disrupt program continuity and to irritate the public. NARTB maintains that the public is more concerned with technical quality and program content than with the method by which the programs reach it. While the Association recognizes that under its proposal the public may occasionally believe that a mechanically reproduced program is a live broadcast, it urges that the public interest requires the application of a rule of reason and that the public interest considerations inherent in "high-program" content call for service to the public free from announcements of the obvious. With respect to delayed programs in which the element of time is of special significance, the Association contends that broadcasters may be expected to present such programs in a manner that informs listeners adequately of the circumstances.

4. The Commission has also before it for consideration a petition filed on June 9, 1955, by the American Broadcasting Company (ABC) a division of American Broadcasting-Paramount Theatres, Inc., requesting that the footnote to § 3.188 (AM) of the Rules and Regulations be amended to extend the waiver provision to network programs which are transcribed and rebroadcast at a later hour because of the time differential resulting from the time zone differences between the place where the program originates and where it is rebroadcast. The present waiver applies only to the time differential resulting from the adoption of daylight saving time in some areas. Petitioner proposes that the following wording be substituted for the present text of the footnote to § 3.188; and that § 3.288 (FM) also be amended by the addition of the same proposed footnote: "The requirements of this section are waived with respect to network programs, transcribed and rebroadcast at a later hour because of the time differential resulting from the adoption of daylight saving time in some areas or because of the time zone differentials between the place where the program originates and where it is rebroadcast, provided the off-the-line recording (whether by the network itself at one of its key stations or by an individual station) is for delayed broadcast locally where the delay does not exceed the daylight saving and/or time zone differentials between the place where the program originates and where it is rebroadcast. Each station which broadcasts network programs on a delayed basis in accordance with this waiver shall make an appropriate announcement at least once each day between the hours of 10:00 a. m. and 10:00 p. m. stating that some or all of the network programs which are broadcast by that station are delayed broadcasts by means of transcription, and indicating whether the transcriptions have been made by the network or the individual station. A network organization or individual station taking advantage of this waiver should so advise the Commission."

5. In support of the proposed amendment, ABC notes that the presentation of programs by transcription is an accepted part of American broadcasting. It points out that the present waiver provision in the mechanical reproduction rules—which applies to network programs delayed for one hour because of daylight saving time in some areas—has been in effect over eight years; that there is no indication that the networks and stations operating under the waiver have found any confusion resulting from the failure to make separate anouncements for each transcribed network program, and that the public has benefited from the elimination of needless repetition of the announcements that a particular program is transcribed and presented one hour later. While ABC states that it is generally in accord with the revisions proposed by NARTB to the mechanical reproduction rules, it asserts that the changes the Association proposes may require formal rule making and unavoidable delay before a decision can be reached with respect to the Association's proposals. It therefore urges the Commission to extend the present waiver to take care of the time zone differences throughout the United States pending consideration of the NARTB petition. Petitioner urges that to compete with television, it is desirable for network radio to broadcast at the same clock hour in the various time zones; that the requirement of an announcement that a program is transcribed before or after each five minute program and at the beginning and end of a longer program, with an additional interruption every 30 minutes in programs of longer duration, results in additional costs to the station and unnecessary annoyance to the listener; and that in view of the experience with the present waiver provision, no repercussions would result from extending the waiver to cover broadcasts delayed up to a maximum of four hours because of time zone differences.

6. The Commission is of the view that rule making proceedings are warranted in this matter. The Commission desires that all interested parties submit comments with respect to these proposals in order that it may have the benefit of such views prior to taking further action. It is noted that the NARTB proposal is much broader in scope than the proposal of ABC and, if adopted in substance, would render moot the proposal filed by ABC. Accordingly, the Commission requests that comments be directed towards the relative merits of the two proposals. It is also noted that the NARTB proposal is limited to amendment of §§ 3.188 (AM) 3.288 (FM), and 3.653 (TV) The Commission requests comments on the desirability of extending the proposed amendment to include § 3.588 (noncommercial educational FM). The footnote waiver which the ABC request proposes to amend is appended only to § 3.188 (AM) The Commission requests comments on the desirability of extending the present waiver, and also the amendment proposed by ABC, to the other sections relating to mechanical reproductions, particularly §§ 3.288 (FM) and 3.653 (TV.)

7. Authority for the issuance of the instant notice is contained in sections 4 (i) 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

8. Any interested person who is of the view that the proposal herein should not be adopted may file with the Commission on or before December 15, 1955, written data, views, or arguments setting forth his comments. Comments in support of the proposals may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

9. In acordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: November 16, 1955.

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9410; Filed, Nov. 22, 1955; 8:59 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-129]

ANNUAL CHARGES PRESCRIBED FOR LICENSES

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 15, 1955.

In the matter of amendment to Part 11 of Subchapter B of the regulations relat-

ing to annual charges prescribed for licensees under the provisions of the Federal Power Act.

Upon consideration of the motion of the South Carolina Public Service Authority, filed November 9, 1955, for continuance of the hearing now scheduled for November 30, 1955, in the above-designated matter;

The hearing now scheduled for November 30, 1955, is hereby postponed to January 16, 1956 at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9375; Filed, Nov. 22, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[443.566]

MIRROR CASES CONTAINING MIRROR AND COMB

NOTICE OF PROPOSED TARIFF CLASSIFICATION

NOVEMBER 17, 1955.

It appears that certain mirror cases containing a mirror and a comb are properly classifiable as (1) mirrors, not over 144 square inches in size, with cases under paragraph 230 (b), Tariff Act of 1930, and (2) combs, under paragraph 1537 (c) Tariff Act of 1930, at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to section 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)) notice is hereby given that the existing uniform practice of classifying such merchandise as an entirety under paragraph 230 (b) as mirrors with their cases is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] C. A. EMERICK, *Acting Commissioner of Customs.*

[F. R. Doc. 55-9401; Filed, Nov. 22, 1955; 8:49 a .m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 113]

BAUER TYPE FOUNDRY, INC.

Whereas by Vesting Order No. 1630, dated June 7, 1943, as amended (8 F R. 10309, July 23, 1943; 9 F. R. 7105, June 27, 1944), and Executive Order No. 9788 of October 14, 1946 (3 CFR, 1946 Supp.) there is vested in the Attorney General of the United States (hereinafter referred to as "Attorney General") all of the issued and outstanding stock (consisting of 400 shares of $100 par value common stock) of The Bauer Type Foundry, Inc. (hereinafter referred to as "the Company") a New York corporation;

Whereas a Certificate of Dissolution was issued by the Secretary of State of New York on July 14, 1952, certifying to the dissolution of the Company and

Whereas the Company has been substantially liquidated.

Now, therefore, under the Trading with the Enemy Act, as amended, the Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned after investigation:

1. Finding that the known assets of the Company consist of funds in the amount of $12,985.27 deposited in an account maintained in the Manufacturers Trust Co., New York, New York,

2. Finding that the known liabilities of the Company consist of an indebtedness in the amount of $63,209.77, owing to the Attorney General by virtue of Vesting Order No. 4184, dated September 27, 1944 (9 F R. 12053, October 3, 1944), and Executive Order No. 9788; and

3. Having determined that it is in the national interest of the United States that the Company be dissolved, that its affairs be wound up and that its assets be distributed;

hereby orders, that the officers and directors of the Company (and their successors, or any of them) wind up the affairs of the Company and distribute the assets of the Company coming into their possession, as follows:

1. They shall first pay current expenses and necessary charges, if any, in effecting the dissolution of the Company and the winding up of its affairs;

2. They shall then pay all Federal, State and local taxes and fees, if any, owed by or accruing against the Company and

3. They shall then pay over, transfer, assign and deliver to the Attorney General all remaining funds and property of the Company, of whatsoever kind and nature (including any after-discovered assets and any and all claims or causes of action of whatsoever kind and nature) the same (or any net proceeds thereof) to be applied by the Attorney General as follows: First, in payment of the aforementioned obligation owed to the Attorney General by virtue of Vesting Order No. 4184, and in satisfaction of such claim, if any, as the Attorney General may have for monies advanced or services rendered to or on behalf of the Company, and second, as a liquidating distribution of assets to the Attorney General as holder of all of the issued and outstanding stock of the Company and further orders, that nothing herein set forth shall be construed as prejudicing the rights under the Trading With the Enemy Act, as amended, of any person who may have a claim against the Company to file such claim with the Attorney General against any funds or property received by the Attorney General hereunder:

Provided, however, That nothing herein contained shall be construed as creating additional rights in such person; *Provided further,* That any such claim against said Company shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of the Company pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to Section 5 (b) (2) of the Trading with the Enemy Act, as amended (50 U. S. C. App. 5), and the acquittance and exculpation provided therein.

Executed in Washington, D. C., on November 16, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON, *Deputy Director, Office of Alien Property.*

[F R. Doc. 55-9402; Filed, Nov. 22, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 461]

CALIFORNIA

SMALL TRACT CLASSIFICATION

NOVEMBER 9, 1955.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F R. 7697), I hereby classify, under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a) the tracts of public land in Imperial County described below, for lease and sale for residence-site purposes only.

SAN BERNARDINO BASE AND MERIDIAN

T. 16½ South Range 10 East:
Section 6, Tracts 11 to 20, inclusive;
NW¼SW¼NE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the Mineral leasing laws.

3. The lands are located approximately two miles southwest of Coyote Wells Station and one and one-half miles south of Ocotillo Townsite. The lands are within one mile of U. S. Highway 80. The Yuha cut-off road passes through the approximate center of the tracts. Electric power

is available to the area and water for domestic use is available within reasonable depths. Schools, stores and other public facilities are available in the town of El Centro, 28 miles easterly on Highway 80. The soil is a loose, rocky, sandy loam, supporting a sparse vegetation of desert plants, such as ocotillo, creosote bush, Mormon Tea and various cacti. There is no evidence of metallic or nonmetallic minerals.

4. The individual tracts vary in size from 1.33 acres to 6.59 acres, and are all rectangular in shape. A plat of survey showing the location of each tract can be secured for $1.50 from the Bureau of Land Management, Room 706 California Fruit Building, 4th and J Streets, Sacramento 14, California.

The appraised value of the tracts varies from $40 to $200 per tract, as shown below.

Rights-of-way, 50 feet in width, for street and road purposes and for public utilities, will be reserved as shown below.

Tract No.	Acres	Advance rentals (3 years)	Right-of-way, width—location	Appraised value
11	4.56	$22.50	50' S. boundary	$150
12	5.00	22.50	50' E. and S. boundary	150
13	6.57	30.00	50' W. and S. boundary	200
14	6.59	30.00	50' W. and S. boundary	200
15	5.00	22.50	50' E. and S. boundary	150
16	5.80	27.00	50' E. and S. boundary	180
17	5.80	27.00	50' E. and S. boundary	180
18	1.33	10.00	50' S. boundary	40
19	1.58	10.00	50' S. boundary	40
20	1.58	10.00	50' S. boundary	40
N½NW¼SW¼NE¼	5.00	22.50	50' S. and E. boundary	150
S½NW¼SW¼NE¼	5.00	22.50	50' S. and E. boundary	150

5. Leases will be issued for a term of three years, and will contain an option to purchase in accordance with 3 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d) Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The dwelling-house must be suitable for year-round use, erected on a permanent foundation and with a minimum of 400 square feet of floor space. The dwelling house must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, or concrete slab foundations are acceptable. Concrete piers are not acceptable as foundations.

7. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who have served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 5th Floor, Bartlett Bldg., 215 W 7th, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., March 15, 1956. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order in which their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

8. All valid applications filed prior to November 7, 1955, will be granted the preference right provided for by 43 CFR 257.5 (a)

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group, Los Angeles.

NOVEMBER 9, 1955.

[F. R. Doc. 55-9372; Filed, Nov. 22, 1955; 8:45 a. m.]

[010755]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 15, 1955.

Pursuant to determination DA 372—Colorado, of the Federal Power Commission, and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954, (19 F. R. 2473–2476), it is ordered as follows:

The lands hereinafter described, so far as they are reserved for power purposes, are hereby restored to disposition under the public land laws subject to provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 S., R. 70 W.,
Section 6: Lot 1.

The area described totals 41.65 acres of land within the exterior boundaries of Pike National Forest.

The land described shall be subject to application by the State of Colorado for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

The lands are within the exterior limits of the Pike National Forest of the Forest Service, U. S. Department of Agriculture, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting a preference right of application to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, 357 New Custom House, Box 1018, Denver 1, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55-9373; Filed, Nov. 22, 1955; 8:45 a. m.]

Bureau of Reclamation

NORTH PLATTE PROJECT, NEBRASKA

ORDER OF REVOCATION

MARCH 6, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937) I hereby revoke Departmental Order of May 3, 1904, in so far as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, NEBRASKA

T. 24 N., R. 57 W.,
Section 18, S½SE¼.

The above area aggregates 80 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

[Misc. 64433]

NOVEMBER 17, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in allowed homestead entry, Alliance 018379, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284) as amended, grant-

ing preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director
Bureau of Land Management.

[F. R. Doc. 55-9374; Filed, Nov. 22, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CATTLEMAN'S LIVESTOCK AUCTION, INC.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Cattleman's Livestock Auction, Inc., Nampa, Idaho, is a stockyard as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202) and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 17th day of November 1955.

[SEAL] H. E. REED,
Director, Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 55-9419; Filed, Nov. 22, 1955; 8:51 a. m.]

Commodity Stabilization Service

UPLAND COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1956 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of upland cotton produced in 1956.

A referendum of the farmers who were engaged in the production of upland cotton in the calendar year of 1955 will be held on December 13, 1955, pursuant to the provisions of the act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1956 quota. If two-thirds or more of the cotton farmers voting in the upland cotton referendum favor the quota, such quota will be in effect for the 1956 upland cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1956 upland cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

REGISTRATION

Any person who, on the basis of the eligibility requirements set out below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1955 upland cotton producer in the county should notify the Agricultural Stabilization and Conservation County Committee of his eligibility and request that his name be entered on the register of eligible voters.

ELIGIBILITY TO VOTE

1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of upland cotton in 1955 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as a share tenant or sharecropper.

2. Any farmer whose only cotton production in 1955 consisted of extra long staple cotton shall not be eligible to vote in this referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

3. No cotton farmer (whether an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1955 in the production of upland cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of upland cotton in 1955, under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing upland cotton in 1955 not as members of a partnership but as tenants in common or as owners of community property each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of upland cotton may if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located ASC County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the ASC County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above) by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which upland cotton was produced in 1955. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Agricultural Stabilization and Conservation County Committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the _____ community will be _____.

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at _____ o'clock a. m. and closed promptly at _____ o'clock p. m., local standard time, on Tuesday, December 13, 1955.

_____
_____
_____
(ASC County Committee)

Issued _____, 1955.

NOTE: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the regulations pertaining to acreage allotments for the 1956 crop of upland cotton. Such regulations are published in the FEDERAL REGISTER and copies are available at the ASC county office.

Issued at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9445; Filed, Nov. 21, 1955 4:35 p. m.]

EXTRA LONG STAPLE COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1956 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of extra long staple cotton produced in 1956.

A referendum of the farmers who were engaged in the production of extra long staple cotton in the calendar year of 1955 will be held on December 13, 1955, pursuant to the provisions of the Act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1956 quota. If two-thirds or more of the cotton farmers voting in the extra long staple cotton referendum favor the quota, such quota will be in effect for the 1956 extra long staple cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1956 extra long staple cotton crop; however, farm acreage allotments established for such crop pursuant to the Agricultural Adjustment Act of 1938, as amended, will remain in effect and compliance with such acreage allotments will be a condition of eligibility of producers for price support under the Agricultural Act of 1949, as amended.

REGISTRATION

Any person who, on the basis of the eligibility requirements set out below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1955 extra long staple cotton producer in the county should notify the Agricultural Stabilization and Conservation County Committee of his eligibility and request that his name be entered on the register of eligible voters.

ELIGIBILITY TO VOTE

1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of extra long staple cotton in 1955 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as a share tenant or sharecropper.

2. Any farmer whose only cotton production in 1955 consisted of upland cotton shall not be eligible to vote in this referendum, but, if otherwise eligible may vote in the upland cotton referendum.

3. No cotton farmer (whether an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1955 in the production of extra long staple cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of extra long staple cotton in 1955, under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing extra long staple cotton in 1955 not as members of a partnership but as tenants in common or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of extra long staple cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located ASC County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the ASC County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above) by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which extra long staple cotton was produced in 1955. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Agricultural Stabilization and Conservation County Committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the _____ community will be _____.

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at _____ o'clock a. m. and closed promptly at _____ o'clock p. m., local standard time, on Tuesday, December 13, 1955.

_____
_____
_____
(ASC County Committee)

Issued _____, 1955.

NOTE: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the regulations pertaining to acreage allotments for the 1956 crop of extra long staple cotton. Such regulations are published in the FEDERAL REGISTER and copies are available at the ASC county office.

Issued at Washington, D. C., this 18th day of November 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-9446; Filed, Nov. 21, 1955; 4:35 p. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

HOME LINES, INC., AND NATIONAL HELLENIC AMERICAN LINE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8057, between Home Lines Inc., and National Hellenic American Line, covers an arrangement whereby Home Lines will make available to National Hellenic its vessel the S. S. "Queen Frederica", for operation of a common carrier service in the trade between Piraeus, Greece, and New York, N. Y., via Mediteranean ports, and provides that Home Lines shall not during the period of the agreement, unless requested by National Hellenic, operate any vessel as a common carrier of passengers or cargo in such trade.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 18, 1955.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 55-9422; Filed, Nov. 22, 1955; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 20]

CONSOLIDATED ENGINEERING CORP.

NOTICE OF APPEARANCE

Notice is hereby given that Consolidated Engineering Corporation has filed a claim for an award before the Patent Compensation Board, United States Atomic Energy Commission, in the above docket. The claim is based on alleged use of U. S. Patents No. Re. 23,464, 2,450,462; and 2,587,575.

The application of Consolidated Engineering Corporation is on file with the Patent Compensation Board. Any person other than the applicants desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of pub-

lication of this notice, a statement of fact concerning the nature of his interest.

MARGARET H. MELIN,
Acting Clerk,
Patent Compensation Board.

NOVEMBER 16, 1955.

[F. R. Doc. 55-9370; Filed, Nov. 22, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11455, etc., FCC 55-1141]

ROBERT E. BOLLINGER ET AL.

ORDER AMENDING ISSUES

In re applications of Robert E. Bollinger, Portland, Oregon, Docket No. 11455, File No. BP-9320; Mercury Broadcasting Company, Inc. (KLIQ), Portland, Oregon, Docket No. 11456, File No. BP-9400; Docket No. 11457, File No. BP-2266; Albert L. Capstaff and H. Quenton Cox, a partnership d/b as Capstaff Broadcasting Company, Oreg. Ltd., Portland, Oregon, Docket No. 11458, File No. BP-9585; for construction permits and renewal of license.

At a session of the Federal Communication Commission held at its offices in Washington, D. C., on the 16th day of November 1955;

The Commission having under consideration a petition filed August 4, 1955, by Robert E. Bollinger, Portland, Oregon, requesting an enlargement of issues in the above-entitled proceeding with respect to the application of Capstaff Broadcasting Company, Oreg. Ltd., Portland, Oregon; and comment on petition to enlarge filed September 1, 1955, by Chief, Broadcast Bureau;

It appearing that Robert E. Bollinger alleges that the ground system proposed by Capstaff Broadcasting Company, Oreg. Ltd., will not meet the requirements of the Commission's rules and standards because the available area around Capstaff's proposed site on which a ground system can be installed is severely limited due to the refusal of adjacent property owners to permit ground wires to be placed on their property and that, in view thereof, Bollinger requests an enlargement of issues to permit an inquiry into the matter;

It further appearing that Chief, Broadcast Bureau, in view of the allegations made, requests that the issues be enlarged to include the following issue:

To determine whether the radiating system proposed by Capstaff Broadcasting Company, Oregon Limited, would meet the minimum requirements with respect to effective field intensity as required by the Commission's rules and standards of good engineering practice.

and that the order of designation be modified so as to find Capstaff technically qualified except as to the matter raised in the aforesaid issue;

It further appearing that no opposition to the petition to enlarge has been filed;

Accordingly, it is ordered, That the petition of Robert E. Bollinger to enlarge issues is granted and the issues in the above-entitled proceeding is enlarged to include the following issue:

6. To determine whether the radiating system proposed by Capstaff Broadcasting Company, Oregon Limited, would meet the minimum requirements with respect to effective field intensity as required by the Commission's rules and standards of good engineering practice.

It is further ordered, That the order of designation (FCC 55-778, Mimeo 20951) is amended so that Issues now numbered "6" and "7" are renumbered "7" and "8"; and

It is further ordered, That the order of designation is amended to show that Capstaff Broadcasting Company Oregon Ltd. is technically qualified to operate the proposed station except with respect to the matter raised in Issue 6 hereof.

Released: November 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9411; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket No. 11477; FCC 55M-958]

RADIO STATION KLLL, INC., (KLLL)

ORDER CONTINUING HEARING

In re application of Radio Station KLLL, Inc. (KLLL) Lubbock, Texas, Docket No. 11477; File No. BP-9750; for construction permit.

The Hearing Examiner having under consideration a petition filed November 14, 1955, by Radio Station KLLL, Inc., requesting that the hearing in the above-entitled proceeding presently scheduled for December 6, 1955, be continued until December 28, 1955;

It appearing that the parties hereto desire to complete discussion and review of certain engineering data in an effort to expedite disposition of the issues involved in such proceeding;

It further appearing that counsel for Snyder Broadcasting Company (KSNY), Snyder, Texas, respondent in this proceeding, has informally agreed to a waiver of the so-called four-day rule and concurs in the request for continuance; and that counsel for the Broadcast Bureau has, likewise, agreed to a waiver of the four-day rule and has consented to a grant of the petition;

It is ordered, This 15th day of November 1955, that the petition be and it is hereby granted; and that the hearing in the above-entitled proceeding be and it is hereby continued to December 28, 1955, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9421; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket Nos. 11493, 11494; FCC 55M-955]

RADIO BROADCASTING SERVICE AND DANA W ADAMS

ORDER CONTINUING HEARING

In re applications of Louis Alford Phillip D. Brady and Albert Mack Smith, d/b as Radio Broadcasting Service, Tyler, Texas, Docket No. 11493, File No. BP-9761, Dana W Adams, Tyler, Texas, Docket No. 11494, File No. BP-9841, for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 15th day of November 1955, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of section 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., December 12, 1955;

It is further ordered, On the Hearing Examiner's own motion, that the hearing herein scheduled to commence on December 15, 1955, is continued to January 12, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9413; Filed, Nov. 22, 1955; 8:50 a. m.]

[Docket Nos. 11533, 11534; FCC 55M-956]

CENTRAL NEW YORK BROADCASTING CORP. AND TRIANGLE PUBLICATIONS, INC.

ORDER CONTINUING HEARING

In re applications of Central New York Broadcasting Corporation, Elmira, New York, Docket No. 11533, File No. BPCT-2000; Triangle Publications, Inc., (Radio and Television Division) Elmira, New York, Docket No. 11534, File No. BPCT-2008; for construction permits for new television broadcast stations.

It is ordered, This 15th day of November 1955, that J. D. Bond will preside at the hearing in the above-entitled proceeding, which is hereby continued from January 2, 1956, to January 3, 1956, in Washington, D. C.

Released: November 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9414; Filed, Nov. 22, 1955; 8:51 a. m.]

[Docket No. 11536, etc., FCC 55 M-961]

RADIO HERKIMER ET AL.

ORDER SCHEDULING HEARING

In re application of Louis Adelman, Norman E. Jorgensen and Seymour Krieger, d/b as Radio Herkimer, Herkimer, New York, Docket No. 11536; File No. BP-9619; Bay State Broadcasting Company (WBSM), New Bedford, Massa-

chusetts, Docket No. 11537, File No. BP-9649; Western Massachusetts Broadcasting Company (WBEC) Pittsfield, Massachusetts, Docket No. 11538, File No. BP-9653, for Construction Permits.

It is ordered, This 17th day of November 1955, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 26, 1956, in Washington, D. C.

Released: November 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9415; Filed, Nov. 22, 1955; 8:51 a. m.]

[Docket No. 11539, etc.; FCC 55M-962]

MUSSER BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Sam Ferguson Musser and Gloria G. Musser d/b as Musser Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11539, File No. BP-9698; Will Groff tr/as Colonial Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11540, File No. BP-9759; H. Raymond Stadiem, Lester P. Etter and M. Leonard Savage d/b as Radio Columbia, Columbia, Pennsylvania, Docket No. 11541, File No. BP-9940; for construction permits.

It is ordered, This 17th day of November 1955, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 26, 1956, in Washington, D. C.

Released: November 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9416; Filed, Nov. 22, 1955; 8:51 a. m.]

[Docket Nos. 11542, 11543; FCC 55M-963]

COURIER-TIMES, INC. AND DON H. MARTIN

ORDER SCHEDULING HEARING

In re applications of Courier-Times, Inc., New Castle, Indiana, Docket No. 11542, File No. BP-8886; Don H. Martin (WSLM) Salem, Indiana, Docket No. 11543, File No. BP-9392; for construction permits.

It is ordered, This 17th day of November 1955, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 16, 1956, in Washington, D. C.

Released: November 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-9417; Filed, Nov. 22, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6023]

GULF STATES UTILITIES CO.

NOTICE OF AMENDMENT OF APPLICATION

NOVEMBER 17, 1955.

Take notice that on November 9, 1955, an amendment was filed to the application in this matter (notice published 20 F. R. 3519) pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company (Applicant) a Texas corporation doing business in the States of Louisiana and Texas, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of additional promissory notes in the aggregate amount of $5,000,000, and authorizing Applicant to have outstanding at any one time a maximum principal amount of not to exceed $18,000,000 of unsecured promissory notes. Said notes will have a maturity of not in excess of eleven months from the date of issue and bear interest at the lender's prime rate in effect at the time of each borrowing. The proposed will be issued to the Irving Trust Company, New York, N. Y., and The Chase Manhattan Bank, New York, N. Y. Applicant states that the proceeds from the proposed issuance will be used for general corporate purposes and to carry on its construction program; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 28th day of November 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9394; Filed, Nov. 22, 1955; 8:48 a. m.]

[Docket No. G-6822]

SUNRAY MID-CONTINENT OIL CO.

NOTICE OF CONTINUANCE OF HEARING

NOVEMBER 16, 1955.

Upon consideration of the motion of Sunray Mid-Continent Oil Company filed on November 4, 1955, for continuance of the hearing now scheduled for November 22, 1955, in the above-designated matter;

The hearing now scheduled for November 22, 1955, is hereby postponed to December 14, 1955, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9395; Filed, Nov. 22, 1955; 8:48 a. m.]

[Docket No. G-4573 etc.]

STEWART M. VOCKEL ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1955.

In the matters of Stewart M. Vockel, Trustee, Ellis Properties, Docket No. G-4573; Finch and Snider O. & G. Company, Docket Nos. G-4574 and G-4575; Perrytown Gas Company, Docket No. G-5754; Brooks Gas Company, Docket No. G-5755; Marval Gas Company, Docket No. G-5756; Curry Gas Company, Docket Nos. G-5757 and G-5758; Sweetland Land and Mineral Company, Docket Nos. G-6014 and G-6016; Haught Gas Company, Docket No. G-6221, Mrs. Clara B. Guthrie, Docket No. G-6395; Truman E. Gore & John S. Secret, DBA Truman E. Gore et al., Docket No. G-6418; Riverhead Gas Company, Docket No. G-6419; Lloyd G. Jackson, Agent, Docket No. G-6420; The Mower Lumber Company, Docket No. G-6422; Mud River Gas Company, Docket No. G-6423; Alex T. Hunt, Docket No. G-6436; Western Pocahontas Corporation, Docket No. G-6443; Rich Oil and Gas Company, Docket No. G-6446; Monarch Gas Company, Docket No. G-6455; Bee Gas Company, Docket No. G-6456; Cantes Gas Company, Docket No. G-6460; Mandell Gas Company, Docket No. G-6461.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued its findings and order adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9376; Filed, Nov. 22, 1955; 8:45 a. m.]

[Docket No. G-3222 etc.]

SOUTHEASTERN GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 16, 1955.

In the matters of Southeastern Gas Company (formerly Hamilton Gas Corporation), Docket No. G-3222; Cities Service Oil Company et al., Docket No. G-4579; Fred H. Ryan, Docket No. G-5239; Ira J. Cox, Docket No. G-5296; George R. Brown, Docket No. G-6740; Mowery Lease No. 1, Jack Price, Agent, Docket No. G-7302; The Atlantic Refining Company, Docket No. G-7309; Stanolind Oil & Gas Company, Docket No. G-8965; Gas Transmission Company, Docket No. G-9042; Graham Oil Company, Docket No. G-9059; Late Oil Company, Docket No. G-9153; Moran Bros. Inc., Docket No. G-9164; Foster Petroleum Corporation, Docket No. G-9178; Hudson Oil & Metals Company, Docket No. G-9165.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued its findings and orders adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-9377; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-8540]

CITIZENS UTILITIES CO.

NOTICE OF ORDER IN REGARD TO PHYSICAL FACILITIES AND SALE OF NATURAL GAS

NOVEMBER 17, 1955.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its order adopted November 2, 1955, directing physical connection of facilities and sale of natural gas in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9378; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-8871 etc.]

COLORADO INTERSTATE GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 17, 1955.

In the matters of Colorado Interstate Gas Company, Docket No. G-8871, El Paso Natural Gas Company, Docket No. G-9158; Arkansas-Missouri Power Company, Docket No. G-9219.

Notice is hereby given that on November 7, 1955, the Federal Power Commission issued its findings and orders adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9379; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-6477, etc.]

EDWIN NIELSEN ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1955.

In the matters of Edwin Nielsen et al., Docket No. G-6477; The Citizens National Bank in Abilene, Texas, Executor and Trustee of Ellis A. Hall, Docket No. G-6484; John E. Prothro, Docket Nos. G-6512 and G-6513; Leona Cox Skelton, Docket No. G-6521, H. W. Perritt, Docket No. G-6702; Mrs. L. M. Moffit and Mrs. Betty M. Gustine, Docket No. G-6703; Rycade Oil Company, Docket No. G-6739; F L. Andrews et al., Docket No. G-6709.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued it findings and order adopted November 2, 1955, in the above-entitled matters, issuing certificates of public convenience and necessity in Docket Nos. G-6477, G-6521, G-6702, G-6703, G-6739, G-6709; and dismissing applications in Docket Nos. G-6484, G-6512 and G-6513 for lack of jurisdiction.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9380; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-7854, etc.]

RALPH SNYDER ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1955.

In the matters of Ralph Snyder, Docket No. G-7854; Sinclair B. Kouns et al., Docket No. G-7855; Granite Oil Trust No. 2 of Oklahoma, Docket No. G-7856; Jefferson Gas Company, Docket No. G-7857; McIntosh and Grimm, Docket Nos. G-7858, G-7859; Compbell Gas Company, Docket No. G-7860; Smith Gas Company, Docket No. G-7863; Lamar Hunt, Docket No. G-7874; J. H. Herd, Docket No. G-7875; Thomas J. Davis, Docket No. G-7876; M. G. Drake Gas Company, Docket No. G-7877; John J. Redfern, Jr., Docket No. G-7878; Drake Oil & Gas Company, Docket No. G-7886; Donnell Drilling Company, Docket No. G-7890.

Notice is hereby given that on November 8, 1955, the Federal Power Commission issued its findings and order adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9381; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-6954 etc.]

D. D. FELDMAN OIL AND GAS ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 16, 1955.

In the matters of D. D. Feldman d/b/a D. D. Feldman Oil and Gas, Docket No. G-6954; Charles McCamic et al., Docket No. G-9089; Texas Eastern Transmission Corporation, Docket No. G-9099; Roy E. Briscoe et al., Docket No. G-9123.

Notice is hereby given that on November 9, 1955, the Federal Power Commission issued its findings and orders adopted November 2, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9382; Filed, Nov. 22, 1955; 8:46 a. m.]

[Docket No. G-9201]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1955.

Notice is hereby given that on November 2, 1955, the Federal Power Commission issued its findings and order adopted November 2, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-9383; Filed, Nov. 22, 1955; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-972]

ATLAS CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

NOVEMBER 16, 1955.

In the matter of Atlas Corporation, Wasatch Corporation, Airfleets, Inc., San Diego Corporation, and Lisbon Uranium Corporation; File No. 812-972.

Notice is hereby given that Atlas Corporation ("Atlas") and Wasatch Corporation ("Wasatch"), both closed-end, non-diversified management investment companies registered under the Investment Company Act of 1940 ("act"), and Airfleets, Inc. ("Airfleets"), San Diego Corporation ("San Diego"), and Lisbon Uranium Corporation ("Lisbon") have filed a joint application for an order or orders pursuant to sections 17 (b) and 6 (c) of the act exempting certain transactions hereinafter described from the provisions of sections 17 (a) and 18 (a) (1) (A) of the act.

The application makes the following representations:

San Diego is engaged in the oil and gas production business as is Airfleets. The latter company is also engaged in the manufacture and sale of aircraft equipment. Lisbon is engaged in the exploration and development of uranium properties.

Atlas owns approximately 96 percent of the voting stock of Wasatch, 18 percent of the voting stock of San Diego and 3 percent of the voting stock of Airfleets. Voting stock of Lisbon is owned by Wasatch, San Diego and Airfleets, respectively, in the amount of 32 percent, 16 percent and 16 percent. Floyd B. Odlum, President of Atlas, is also President of Airfleets and is the owner of more than 5 percent of its voting stock.

For a considerable period prior to February 1955, Lisbon had been interested in acquiring certain uranium claims in the Colorado Plateau owned by Robert M. Barrett of Salt Lake City, Utah, some of which claims were and are contiguous on three sides to some of the claims then and now owned by Lisbon.

Barrett is not an officer or director or, so far as is known, a stockholder of any of the corporations which are parties to this application. After protracted negotiations with Barrett, it appeared that the terms upon which Barrett would sell the claims owned by him were beyond the cash resources of Lisbon at the time such negotiations reached the point where a definite decision had to be reached promptly. Lisbon thereupon entered into an agreement dated February 15, 1955, with Wasatch, Airfleets and San Diego, whereby the latter named corporations undertook to enter into a written option agreement with Barrett relating to the Barrett claims. The option agreement with Barrett was executed by a duly authorized agent of Airfleets, which, in turn, was acting for

itself and as agent for San Diego and Wasatch.

Pursuant to this agreement, Wasatch, Airfleets and San Diego have paid an aggregate of $510,000 to Barrett, and have expended $228,704 in exploration and drilling activities and for other related expenses. These expenditures were made by Wasatch, Airfleets and San Diego in the proportions of 50 percent, 25 percent and 25 percent, respectively.

Atlas now proposes to advance to Lisbon up to $4,350,000 (of which $60,000 has already been advanced) in order that Lisbon may, among other things, reimburse Wasatch, Airfleets and San Diego for their expenditures on its behalf with interest at 5 percent from the dates of the payments to the date of reimbursement. Upon such reimbursement, Wasatch, Airfleets and San Diego will transfer the Barrett option agreement to Lisbon.

The amount to be advanced by Atlas will also enable Lisbon to make the final payment of $3,090,000 required to be made on or before December 1, 1955, in order to complete the payments required for exercise of the Barrett option. The balance of the proposed advance is for acquisition, exploration, drilling and other expenses either incurred or anticipated prior to May 1, 1956. Lisbon has in contemplation a permanent financing program which should, under present plans, be completed by that date.

Lisbon proposes to deliver to Atlas its promissory note or notes in the aggregate amount of the advance, maturing not later than May 1, 1956, with interest at 5 percent per annum, together with a mortgage which will be a first lien on the Barrett claims. Wasatch, Airfleets and San Diego propose to deliver to Atlas, in consideration of the Atlas advance, their several guarantees of collection of a portion of the advance equivalent to the proportionate stock interests in Lisbon of 32 percent, 16 percent and 16 percent, respectively.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company or any company controlled by such registered investment company, any securities or property, subject to certain exceptions not here pertinent. The Commission upon application, pursuant to section 17 (b) may grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

The proposed transfer by Wasatch, Airfleets and San Diego of their respective interests in the option agreement to Lisbon involves the purchase by an affiliate (Lisbon) of a registered investment company (Atlas) of property from a company (Wasatch) controlled by such registered company. It also involves a sale by affiliates (Airfleets and San Diego) of an affiliate (Lisbon) of a registered investment company (Wasatch) of property to a company (Lisbon) presumed to be controlled by such registered investment company. Consequently, the transfer would be prohibited by the provisions of section 17 (a) (1) of the act unless exempted pursuant to section 17 (b) thereof.

To the extent that the several guarantees of Wasatch, Airfleets and San Diego may be deemed to constitute the sale of a security by each of those corporations to Atlas, there is involved a sale of securities to a registered investment company (Atlas) by affiliates (Wasatch and San Diego) or an affiliate (Airfleets) of an affiliate (Lisbon) of such registered investment company. The proposed guarantees would therefore be prohibited under section 17 (a) (1) of the act unless exempted pursuant to section 17 (b) thereof.

To the extent that the guarantee by Wasatch of the repayment of 32 percent of the advance by Atlas may be deemed to constitute the issuance of a senior debt security by Wasatch within the meaning of section 18 of the act, it may contravene the provisions of section 18 (a) (1) (A) of said act, because the asset coverage for the senior debt securities of Wasatch may be less than 300 percent after the making of such guarantee.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than November 30, 1955, at 12:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9387; Filed, Nov. 22, 1955; 8:47 a. m.]

[File No. 70-3423]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF BONDS AND PREFERRED STOCK

NOVEMBER 17, 1955.

Notice is hereby given that Delaware Power & Light Company ("the Company") a registered holding company and a public utility company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage and Collateral Trust Bonds ___ percent Series due 1985 ("1985 Series Bonds") and 50,000 shares of its ___ percent Preferred Stock, Cumulative, par value $100 per share ("New Preferred Stock")

The 1985 Series Bonds will be issued under and secured by the Mortgage and Deed of Trust of Delaware Power & Light Company to The New York Trust Company, Trustee, dated as of October 1, 1943, and indentures supplemental thereto, including a proposed Eighteenth Supplemental Indenture to be dated as of December 1, 1955. The rights and preferences of the 1985 Series Bonds will be substantially identical with the presently outstanding First Mortgage and Collateral Trust Bonds, 3⅛ percent Series due 1977, except with respect to the interest rate, redemption prices, and maturity date thereof. The invitation for bids will specify that the amount to be received by the Company shall not be less than one hundred percent nor more than 102.75 percent of the principal amount thereof, and that the interest rate shall be a multiple of one-eighth of one percent.

The rights and preferences of the New Preferred Stock will be substantially identical with those of the presently outstanding 4 percent, 3.70 percent, 4.28 percent and 4.56 percent Preferred Stocks except with respect to the dividend rate and redemption prices thereof. The invitation for bids will specify that the amount to be received by the Company shall not be less than $100 per share, nor more than $102.75 per share (plus accrued dividends) and that the dividend rate shall be a multiple of 4-hundredths of one percent (0.004 percent).

A statement of the fees, commissions, and expenses to be paid in connection with said transactions will be filed by amendment.

The net proceeds from the sale of said bonds and preferred stock will be applied toward the cost of the construction program of the Company and its two subsidiaries, including the retirement of any bank loans incurred prior to the sale.

The issuance and sale of said securities are subject to the approval of the Public Service Commission of Delaware.

The Company requests that the Commission's order herein be made effective not later than December 6, 1955.

Notice is further given that any interested person may, not later than December 5, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9388; Filed, Nov. 22, 1955; 8:47 a. m.]

[File No. 70-3399]

FALL RIVER ELECTRIC LIGHT CO. AND EASTERN UTILITIES ASSOCIATES

ORDER REGARDING ISSUANCE OF COMMON STOCK BY PUBLIC-UTILITY COMPANY AND ACQUISITION OF ITS EMPLOYEES' STOCK BY SAID COMPANY

NOVEMBER 17, 1955.

Fall River Electric Light Company ("Fall River") a public-utility company, and its parent, Eastern Utilities Associates, a registered holding company, having filed with this Commission a declaration and amendments thereto pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-42 promulgated thereunder regarding the proposed transactions which are summarized as follows:

Fall River has outstanding 210,000 shares of $25 par value common capital stock and 5,000 shares of $10 par value employees' stock. Each share of common capital stock is entitled to one vote and ten shares of employees' stock are entitled to one vote. Fall River proposes to issue and sell up to 2,000 additional shares of common capital stock and offer such shares to the holders of the employees' stock for cash at the par value thereof and to use the proceeds to purchase employees' stock at the par value thereof. The offer will be made on the basis of two whole shares of common capital stock for five whole shares of employees' stock or multiples thereof. According to the declaration there are only thirty-five holders of employees' stock and, by reason of limitations provided in Fall River's by-laws prescribed by authority granted in the General Laws of Massachusetts, such stock may not be transferred except to Fall River employees or the company and if sold or transferred to Fall River the price which can be paid for such stock is limited to its par value.

The foregoing transactions have been expressly authorized by the Massachusetts Department of Public Utilities and it appears that no other commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that there are no commissions, fees or expenses to be paid in connection with the proposed transactions, except legal fees and expenses estimated in the aggregate at $1,600. It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23, and no hearing having been ordered by or requested of the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; and that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9389; Filed, Nov. 22, 1955; 8:48 a. m.]

[File No. 30-236]

WESTERN KENTUCKY GAS CO.

NOTICE OF FILING OF APPLICATION FOR ORDER

NOVEMBER 17, 1955.

Notice is hereby given that Western Kentucky Gas Company ("Western Kentucky") a registered holding company and a public utility company, has filed an application with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") requesting an order declaring that it has ceased to be a holding company.

On March 7, 1955, this Commission by order permitted a declaration to become effective regarding a proposed merger into Western Kentucky of Shelbyville Gas Company ("Shelbyville"), a public utility subsidiary company. (Holding Company Act Release No. 12813.) On October 10, 1955, Western Kentucky filed a Certificate of Notification pursuant to Rule U-24 wherein it is stated, inter alia, that Shelbyville has been formally dissolved and that a certificate of such dissolution was issued on July 22, 1955, by the Secretary of State of Delaware, the State in which Shelbyville had been organized.

It is stated by Western Kentucky that its only remaining subsidiary, Kengas, Inc., is not a gas utility company within the meaning of the act, it being represented that Kengas, Inc., distributes only liquefied petroleum gas in containers to its customers.

Notice is further given that any interested person may not later than December 1, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9390; Filed, Nov. 22, 1955; 8:48 a. m.]

[File Nos. 30-65, 70-3403]

INTERSTATE POWER CO. ET AL.

GRANTING OF APPLICATION FOR ORDER DECLARING CESSATION AS HOLDING COMPANY

NOVEMBER 17, 1955.

In the matter of Interstate Power Company, File No. 30-65; Interstate Power Company, East Dubuque Electric Company, File No. 70-3403.

Interstate Power Company ("Interstate"), a registered holding company, having filed an application with the Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company; and

The Commission finding that, pursuant to its order of September 26, 1955, in File No. 70-3403 (Holding Company Act Release No. 12994), East Dubuque Electric Company ("East Dubuque"), the wholly-owned and sole subsidiary company of Interstate, was completely liquidated and dissolved as of September 30, 1955; that on September 30, 1955, certificates for all of the outstanding capital stock of East Dubuque were surrendered by Interstate for cancellation and cancelled in consideration of the distribution and transfer to Interstate by way of a final liquidating dividend of all of the properties and assets of East Dubuque, subject to the assumption by Interstate of all of East Dubuque's obligations and liabilities; that on October 3, 1955, the Secretary of State of the State of Illinois issued a Certificate of Dissolution certifying to the dissolution of East Dubuque, so that the existence of such corporation ceased; and that upon such cessation of existence of East Dubuque, Interstate ceased to be a holding company; and

Notice of the filing of said application having been duly given and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act are met, that no terms and con-

ditions need be imposed, and that the application should be granted forthwith:

It is ordered, Pursuant to the provisions of section 5 (d) of the act, that Interstate has ceased to be a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-9391; Filed, Nov. 22, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 87]

MOTOR CARRIER APPLICATIONS

NOVEMBER 18, 1955.

Protests, consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the General Rules of Practice of the Commission (39 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when the circumstances require immediate action, an application for approval, under Section 210a (b) of the Act of the temporary operations of motor carrier properties sought to be acquired in an application under Section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 200 Sub 185, filed November 3, 1955, RISS & COMPANY, INC., 15 West 10th Street, Riss Building, Kansas City, Mo. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Baltimore, Md., and Philadelphia, Pa., from Baltimore over U. S. Highway 40 to junction U. S. Highway 13, thence over U. S. Highway 13 to Philadelphia, and return over the same route, serving no intermediate points. RESTRICTION: Service over the above-described route shall be restricted against the handling of traffic moving between two points, both of which are located east of points in the Pittsburgh, Pa., Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 891 Sub 6, filed October 27, 1955, GERARD MOTOR EXPRESS, INC., 10 Cherry Street, P. O. Box 328, Terre Haute, Ind. Applicant's attorney: Robert H. Levy, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier,* transporting: *Class A, B and C explosives,* serving Roy Cartage lot located on Caton Road approximately one-half mile west of U. S. Highway 66-A and approximately one and one-half miles north of the city limits of Joliet, Ill., as an off-route point in connection with carrier's regular route operations between Chicago, Ill., and Terre Haute, Ind. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 2202 Sub 136, filed November 2, 1955, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 471, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier,* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Birmingham, Ala., and Cleveland, Tenn., over U. S. Highway 11, serving no intermediate points, and with service at junction points for the purpose of joinder only, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between Cleveland, Tenn., and Birmingham, Ala., operating as follows: from Cleveland over U. S. Highway 60 to the Tennessee-Georgia State line, thence over Georgia Highway 71 to Dalton, Ga., thence over U. S. Highway 41 to Calhoun, Ga., thence over Georgia Highway 53 to Rome, Ga., thence over U. S. Highway 27 to Cedartown, Ga., thence over U. S. Highway 278 to Gadsden, Ala., thence over U. S. Highway 411 to Saint Clair, Ala., and thence over U. S. Highway 11 to Birmingham, and return over the same route. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia?

No. MC 2221 Sub 5, filed November 2, 1955, GROSSMAN & BEST, INCORPORATED, 710 Union St., Hudson, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State St., Albany 7, New York. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Household goods,* as defined by the Commission, between Hudson, N. Y., and points within 35 miles of Hudson, N. Y., on the one hand, and, on the other, points in Virginia, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Ohio, Delaware, Maryland, Indiana, and the District of Columbia, and (2) *Pies, cakes* and *bread,* from Hudson, N. Y., to Pittsfield, Mass., and *empty containers and cartons or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in New York, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Ohio, Indiana, Delaware, Maryland, and the District of Columbia.

No. MC 2229 Sub 75, filed November 8, 1955, RED BALL MOTOR FREIGHT, INC., P. O. Box 3148, 1210 South Lamar St., Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Forth Worth, Tex. For authority to operate as a *common carrier,* over a regular route, transporting: *General commodities,* including *Class A and B explosives,* but excluding those of unusual value, livestock, cotton, lumber, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Amarillo, Tex., and Denver, Colo., over U. S. Highway 87, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

No. MC 13499 Sub 1, filed November 4, 1955 PACIFIC TRANSPORTATION LINES, INC., North Division, Spring and Eagle Streets, Buffalo, N. Y. for authority to operate as a *contract carrier* over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials,* and *supplies* used in the conduct of such business, between points and places within the territory bounded by a line beginning at Buffalo, N. Y., and extending in a southwesterly direction along the shore of Lake Erie to Erie, Pa., thence in a southeasterly direction through Union City to Tionesta, Pa., thence east through Ridgway and Saint Marys to Renova, Pa., thence in a northeasterly direction to Savona, N. Y., thence east to Greene, N. Y., thence in a northeasterly direction to Richfield Springs, N. Y., thence north through Mohawak, Herkimer, Newport, Old Forge, and Newton Falls, to Massena, N. Y., thence in a northwesterly direction to Louisville Landing, N. Y., thence along the bank of the St. Lawrence River, and the shore of Lake Ontario to Youngstown, N. Y., and thence south along the east bank of the Niagara River (including Grand Is-

land) to Buffalo, including the points named.

NOTE: Applicant is presently authorized to conduct the above described operations by virtue of Permit No. MC 13499 dated June 11, 1943 and the purpose of instant application is to permit applicant to transport for other than persons (as defined in Section 203 (a) Interstate Commerce Act), who operate retail stores.

No. MC 20783 Sub 30, filed November 7, 1955, TOMPKINS MOTOR LINES, INC., 1000 Third Avenue, North, Nashville, Tenn. Applicant's attorney: James Clarence Evans, Third National Bank Building, Nashville 3, Tenn. For authority to operate as a *common carrier* over irregular routes, transporting: *Citrus products* requiring refrigeration but not frozen, from points in Florida to points in Ohio, Indiana, Illinois, Kentucky, Wisconsin, Minnesota, New York, Pennsylvania, Maryland, West Virginia, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, and Florida, and points in Michigan on or south of Michigan State Highway, Route 21. Applicant is authorized to conduct operations in Tennessee, Georgia, North Carolina, Alabama, Florida and South Carolina.

No. MC 25643 Sub 40, filed November 7, 1955, EVERTS' COMMERCIAL TRANSPORT, INC., 920–18th Pl., West, Eugene, Oreg. Applicant's attorney: Earle V White, 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Phenol*, in bulk, in tank vehicles, from points in Contra Costa County, Calif., to points in Grays Harbor County, Wash. Applicant is authorized to conduct operations in California, Oregon, and Washington.

No. MC29910 Sub 45, filed November 7, 1955, THE ARKANSAS MOTOR FREIGHT LINES, INC., 401 S. 11th, Fort Smith, Ark. Applicant's attorney: Thomas Harper, Kelley Bldg., Fort Smith, Ark. For authority to operate as a *common carrier* over regular routes, transporting: *Asphalt, asphalt products, lubricating oils and greases*, from the plant site of the Berry Asphalt Company at Waterloo, Ark. to Hope, Ark. and Camden, Ark., (1) from Waterloo over Arkansas Highway 19 to junction Arkansas Highway 4, and thence west over Arkansas Highway 4 to Hope; (2) from Waterloo to junction Arkansas Highway 4 as indicated above, and thence east over Arkansas Highway 4 to Camden; *equipment, materials, and supplies* used in the manufacture of the above commodities, from Hope and Camden, Ark. over the above-specified routes to Waterloo, Ark. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Illinois, Louisiana, Texas, and Mississippi.

No. MC 30319 Sub 60, filed October 28, 1955, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 N. San Jacinto Street, P O. Box 4045, Houston, Tex. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Maurice, La., and Abbeville, La., over U. S. Highway 167, serving no intermediate points. RESTRICTION: (a) Service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of applicant's affiliate, the Texas & New Orleans Railroad Company. (b) Shipments transported by carrier shall be limited to those which have a prior or subsequent movement by rail or water; (c) Carrier shall not serve any point not a station on the railroad; (d) All contractual arrangements between said carrier and the railroad shall be reported to the Interstate Commerce Commission and shall be subject to revision if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties; and (e) Such further specific conditions as the Commission, in the future may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to or supplemental of rail service. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 39443 Sub 8, filed September 16, 1955, (Amended) published October 5, 1955 on page 7405, RAY E. THOMPSON & SONS, INC., 4800 Broadway Quincy, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Mineral mixture for livestock and poultry feeding, animal feed* and *poultry feed, insecticides*, (other than agricultural) *animal and poultry tonics and medicines, dry earth paint*, and *advertising matter*, between Quincy, Ill., on the one hand, and, on the other, points in Monona, Crawford, Carroll, Harrison, Shelby, Audubon, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Missouri, and Wisconsin.

No. MC 52869 Sub 20, filed July 28, 1953, as amended, *reopened, on the Commission's own motion, for further hearing*, E. G. BALSAM, L. W BALSAM, S. F DeFRANCE, and V. L. DeFRANCE, doing business as BALSAM & DeFRANCE (now reentitled NORTHERN TANK LINE) No. 8 S. 7th St., Miles City, Mont. Applicant's attorney: Daniel G. Kelly, 12 N. Sixth St., Miles City, Mont. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Williston, N. Dak., and points within ten (10) miles thereof, to points in that portion of Montana on and east of a line beginning at a point on the International Boundary of the United States and Canada, near Willow Creek, Saskatchewan, Canada, and extending in a southernly direction to Havre, Mont., thence along U. S. Highway 87 through Great Falls, Lewistown, and Billings, Mont., to the Montana-Wyoming State line. Applicant is authorized to conduct operations in Wyoming, Montana, North Dakota, and South Dakota.

No. MC 59185 Sub 15, filed November 7, 1955, HIGHWAY EXPRESS, INC., 2416 W Superior Avenue, Cleveland, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier* transporting: *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the new plant of the General Motors Corporation located on the south side of U. S. Highway 30 North, 3 miles west of Mansfield, Ohio, as an off-route point in connection with applicant's regular route operations between Cleveland, Ohio, and Ashland, Ohio, as authorized in Certificate No. MC 59185 Sub 5. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 59185 Sub 16, filed November 7, 1955, HIGHWAY EXPRESS, INC., 2416 W Superior Avenue, Cleveland, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Cleveland, Ohio, and the site of the new plant of the Chrysler Corporation in or near Macedonia, Ohio. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 66562 Sub 1257, filed November 10, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Buffalo, N. Y., and Punxsutawney, Pa., from Buffalo over New York Highway 210 to junction New York Highway 39, thence over New York Highway 39 to Springville, N. Y., thence over U. S. Highway 219 to DuBois, Pa., thence over U. S. Highway 119 to Punxsutawney, and return over the same route, serving the intermediate points of Orchard Park, Jewettville, Colden, Springville, and Ellicottville, N. Y., and Bradford, Ridgway, Brockway, DuBois, and Sykesville, Pa., and the off-route points of Salamanca, N. Y., and Mount Jewett and Falls Creek, Pa. RESTRICTION: (a) The authority applied for is subject to the condition that service to be performed shall be limited to service which is auxiliary to, or supplemental of, air or railway express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service.

Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 SUB 1258, filed November 10, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. For authority to operate as a *common carrier* transporting: *General commodities,* including *Class A and B explosives,* moving in express service, serving Evans City, Pa., as an intermediate point, and Mars, Pa., as an off-route point in connection with applicant's regular route operations between Pittsburgh, Pa., and Butler, Pa. RESTRICTION: (a) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, railway express service; (b) Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt covering in addition to the motor carrier movement by carrier, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 68078 Sub 15, filed November 7, 1955, CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn. Applicant's attorney: E. Blaine Buchanan, James Building, Chattanooga 2, Tenn. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Cleveland, Tenn., and Knoxville, Tenn., from Cleveland over U. S. Highway 64 to junction U. S. Highway 411, thence over U. S. Highway 411 to Maryville, Tenn., thence over Tennessee Highway 73 to Knoxville, and return over the same route, (2) between Athens, Tenn., and Etowah, Tenn., from Athens over Tennessee Highway 30 to Etowah, and return over the same route, (3) between Athens, Tenn., and Englewood, Tenn., from Athens over Tennessee Highway 39 to Englewood, and return over the same route, (4) between Sweetwater, Tenn., and Tellico Plains, Tenn., from Sweetwater over Tennessee Highway 68 to Tellico Plains, and return over the same route, (5) between junction U. S. Highways 129 and 411 about six miles southward of Maryville, Tenn., and the Tennessee-North Carolina State line, from junction U. S. Highways 129 and 411 over U. S. Highway 129 to the Tennessee-North Carolina State line, and return over the same route, and (6) between McGhee, Tenn., and junction Tennessee Highway 72 and U. S. Highway 129, from McGhee over Tennessee Highway 72 to junction U. S. Highway 129, and return over the same route. Serving all intermediate points on the above-specified routes, except Benton, Tenn., on Route (1) Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

NOTE: Applicant states it proposes to tack the foregoing described routes to its present authority.

No. MC 87514 Sub 10, filed November 9, 1955, NICHOLAS TUSO, JR., doing business as INTER-STATE TRANSPORTATION COMPANY, P. O. Box 55, Third and Chestnut Ave., Vineland, N. J. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *contract carrier* over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, between Delaware City, Del. and points in New Jersey on and south of New Jersey Highway 33. Applicant is authorized to transport the named commodities from Philadelphia, Marcus Hook, and Chester, Pa., and Claymont, Del. to the above-indicated destination territory.

No. MC 96615 Sub 1, filed October 19, 1955, L. H. DOOLITTLE, doing business as DOOLITTLE TRANSPORTATION CO., 500 Dakota St., Seattle, Wash. Applicant's attorney: Elton B. Jones, White-Henry-Stuart Bldg., Seattle 1, Wash. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Seattle, Wash., and the International Boundary between the United States and Canada at the port of entry of Sumas, Wash., from Seattle, over U. S. Highway 99 to Bellingham, Wash., thence over Washington Highways 1B and 1A to Sumas, and return. RESTRICTION: Service herein is restricted to shipments moving to or from Territories and possessions of the United States. Applicant is authorized to conduct operations in Washington, Idaho, and Montana.

No. MC 101126 Sub 39, filed November 7, 1955, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati, Ohio. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Vegetable Oils and blends thereof* and *vegetable oil products,* in bulk, in tank vehicles, from Cincinnati, Ohio to Buffalo, Dunkirk and Tonawanda, N. Y. and *empty containers* or other such incidental facilities used in transporting the commodities specified on return. Applicant is authorized to conduct irregular route operations in Illinois, Arkansas, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee and Wisconsin.

No. MC 103066 Sub 10, filed November 10, 1955, VAN STONE, doing business as STONE TRUCKING CO., 1516 West 49th Street, P O. Box 2014, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier,* over irregular routes, transporting: *Machinery, equipment, materials* and *supplies,* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, between points in Oklahoma, Texas, Kansas and Arkansas, on the one-hand, and, on the other, points in Tennessee. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Louisiana, New Mexico, Missouri, Montana, North Dakota, South Dakota, Oklahoma and Texas.

No. MC 103880 Sub 160, filed November 7, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid chemicals,* and *acids,* in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 103993 Sub 59, filed November 10, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier,* over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from points in California (except Los Angeles County, Calif., La Habra and Costa Mesa, in Orange County, and points in Riverside County, Calif., within four miles of Mira Loma, Calif., but *not excluding Riverside, Calif.*) to points in the United States, and *damaged shipments* of the above-specified commodity on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 103993 Sub 60, filed November 14, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney; John E. Lesow, 632 Illinois Building, 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Trailers,* designed to be drawn by passengers automobiles, by the truckaway method, initial movements, from Clearwater, Fla., to points in the United States, and *damaged shipments* of the above-specified commodity, on return movement. Applicant is authorized to conduct operations throughout the United States.

No. MC 109126, Sub 5, filed November 10, 1955, LA SALLE TRUCKING COMPANY, a corporation, Box 13037, 2317 Newton Avenue, San Diego 13, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquid fertilizer* in bulk, in tank vehicles, between points in Orange, Imperial, and Los Angeles Counties, Calif., to ports of entry on the International Boundary line between the United States and Mexico located at or near San Luis, Ariz., and Mexicale, Tecate, Andrade, and Tijuana, Mexico. Applicant is authorized to conduct operations in California.

No. MC 110190 Sub 31, filed November 9, 1955, PENN-DIXIE LINES, INC., P O. Box 42, 2000 So. George Street, York, Pa. Applicant's attorney· Robert R. Hendon, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Fresh citrus fruit sections* and *fresh fruit salad,* in containers unfrozen, requiring refrigeration; and *related advertising material,* from points in Florida to points in the District of Columbia, Maryland, Pennsylvania, Delaware, New Jersey, and New York. Applicant is authorized to conduct operations in Pennsylvania, Maryland, Alabama, Georgia, Florida, New Jersey, Mississippi, Louisiana and Texas.

No. MC 111170 Sub 25, filed November 9, 1955, WHEELING PIPE LINE, INC., P O. Box 270, El Dorado, Ark. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum products,* from Norphlet and El Dorado, Ark., to points in Warrick County Ind., and points in Tennessee west of the Tennessee River. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, Mississippi, Missouri, Tennessee and Texas.

No. MC 111201 Sub 1, filed October 31, 1955, J. N. ZELLNER & SON TRANSFER COMPANY, P. O. Box 172, East Point, Ga. Applicant's attorney· Reuben G. Crimm, 805 Peachtree Street Bldg., Atlanta 5, Ga. For authority to operate as a *common carrier* over irregular routes, transporting: *Waste* (by-products of textile mills such as synthetic waste, wool waste, and mixtures thereof) between points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. Applicant holds authority to transport cotton waste between points in the above-named states, and by this application seeks no duplicating authority.

No. MC 112020 Sub 13, filed November 4, 1955, COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Texas. Applicant's attorney· Leroy Hallman, First National Bank Building, Dallas, Texas. For authority to operate as a *common carrier* over irregular routes, transporting: *Fats, oils and greases, products and blends thereof,* other than petroleum and petroleum products and blends thereof, between points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, Texas, Illinois and Indiana. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, and Kansas.

No. MC 113666 Sub 1, filed November 9, 1955, ANDREW SMETANICK, Box 215, Freeport, Pa. Applicant's attorney· Jerome Solomon, 1325–27 Grand Building, Pittsburgh, Pa. For authority to operate as a *contract carrier* over irregular routes, transporting: *Brick, tile* and *other clay products,* and *empty containers or other such incidental facilities* used in transporting the commodities specified in this application, between points in Armstrong County, Pa., and points in West Virginia, Ohio, Michigan, Maryland, New Jersey, Delaware, Virginia, District of Columbia, New York, Rhode Island, Connecticut and Massachusetts.

No. MC 113979 Sub 1, filed September 14, 1955, MINER TRUCKING, INC., North Creek, N. Y. Applicant's attorney· John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Lumber* from points in Hamilton, Warren, and Essex Counties, N. Y., to points in Pennsylvania, Massachusetts, Vermont, Connecticut, New Jersey, New Hampshire and New York.

No. MC 114052 Sub 2, filed November 9, 1955, HOWARD CATENCAMP doing business as CATENCAMP TRANSFER & STORAGE, 303 East Stephens, Shawano, Wis. Applicant's attorney· Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Liquid glue,* in bulk, in tank vehicles, from Shawano, Wis., to points in Michigan, Ohio, Indiana, Illinois, Iowa and Minnesota.

NOTE: If and when the authority requested herein is granted, Certificate No. MC 114052 should be cancelled. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota and Wisconsin.

No. MC 114143 Sub 2, filed November 4, 1955, L. D. LAUGHLIN, doing business as L. D. LAUGHLIN TRUCK COMPANY, Route 1, Cyril, Okla. Applicant's attorney· Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *contract carrier* over irregular routes, transporting: *Roofing asphalt, asphalt roof coating,* and *asphalt under-coating materials,* from Cyril, Okla., to points in Kansas, and those in Colorado located on and east of U. S. Highway 87. Applicant does not presently hold any authority from this Commission.

No. MC 114527 Sub 5, filed November 9, 1955, M. HARDY TRUCKING CO., A Corporation, 2338 Delmonte Avenue, Monterey, Calif. Applicant's attorney· Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Chrome ore* and *Chrome ore concentrates,* from the mill site of Bonnell Mining Co., approximately 14 miles northwest of Coalinga, Calif., to Grants Pass, Oreg. Applicant is authorized to conduct operations in California and Oregon.

No. MC 114569 Sub 7, filed November 3, 1955, SHAFFER TRUCKING, INC., Elizabethville, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Charcoal,* from points in Wiconisco Township, Dauphin County, Pa., to Irvington, N. J.

NOTE: Applicant has contract carrier, irregular route authority in MC 55813 dated May 19, 1954—Section 210 (dual operations) may be involved.

No. MC 115193 Sub 1 (amended), filed August 19, 1955, WARREN TRANSPORT, INC., 213 Witry St., Waterloo, Iowa. Applicant's attorney· Franklin R. Overmyer, Harris Trust Building, 111 West Monroe St., Chicago 3, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Farm tractors;* and *related farm tractor parts,* and *related internal combustion engines and parts thereof,* when their transportation is incidental to the transportation of farm tractors; and *farm tractor show displays,* and *experimental farm tractors,* from Waterloo, Iowa, to points in New Mexico, Oklahoma, and Texas, and (2) *farm machinery;* and *experimental farm machinery,* and *related parts thereof,* when their transportation is incidental to the transportation of farm machinery; and *farm machinery show displays,* and *experimental farm machinery,* from Ottumwa, Iowa, and points in Polk County, Iowa, to points in Oklahoma, Texas, Nebraska, Colorado, and New Mexico. Applicant does not presently hold any common carrier authority from this Commission but is authorized under Permit No. MC 111326 to conduct contract carrier operations in Iowa, Illinois, Wisconsin, Michigan, and Indiana, and has application pending in No. MC 115193 requesting conversion of said contract carrier authority to common carrier authority.

No. MC 115197 Sub 2, filed November 7, 1955, AMERICAN TRANSPORT, INC., P O. Box 683, Springfield, Mo. Applicant's attorney· James F Miller, 500 Board of Trade Bldg., 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from the pipeline terminal of the Cherokee Pipe Line located approximately seven (7) miles northeast of Mount Vernon, Mo., to Ava, Mo., and points in that part of Missouri bounded by a line beginning at the Missouri-Kansas State Line and extending along U. S. Highway 36 to junction with U. S. Highway 63, thence along U. S. Highway 63 to junction with U. S. Highway 60, thence along U. S. Highway 60 to the Missouri-Oklahoma State Line, thence along the Missouri-Oklahoma State Line to the Missouri-Kansas State Line, and thence along the Missouri-Kansas State Line to the point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to transport the above-named commodities as a contract carrier from named points in Kansas to Missouri. Dual operations are involved.

No. MC 115251 Sub 1, filed November 4, 1955, BENJAMIN A. COBB, Main Street, New Milford, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Flagstone,* from points in Susquehanna County Pa., and those in Broome and Delaware Counties, N. Y., to White Plains and Yonkers, N. Y. and points on Long Island, N. Y.

No. MC 115442 Sub 1, filed October 10, 1955, H. W. BUTLER, doing business as BUTLER TRUCKING COMPANY, 801 N. Jefferson St., Milledgeville, Ga. Applicant's attorney· Robert H. Green, 102 Sanford Bldg., Milledgeville, Ga. For authority to operate as a *common carrier* over irregular routes, transporting: *Clay products,* such as sewer pipe, flue lining, wall coping, farm drain tile, fire clay, and fire brick, from Milledgeville, Ga., Stevens Pottery, Ga., and Carrs Station, Ga. to points in North Carolina, South Carolina, Florida, Alabama, Tennessee, Mississippi, and Loui-

siana; *damaged shipments* of the above-indicated commodities on return.

No. MC 115520, filed August 15, 1955, MOTOR EXPRESS RENTALS CORPORATION, 141 West Jackson Boulevard, Chicago, Ill. For authority to operate as a *contract carrier* over irregular routes, transporting: *General commodities,* including *household goods as defined by the Commission,* but excluding articles of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, and *returned goods, damaged goods* and *articles returned for repair* of the above-described commodities, between Denver, Colo., and points within 25 miles thereof, on the one hand, and, on the other, points on combined U. S. Highways 85 and 87 between Littleton, Colo., and Pueblo, Colo., including Colorado Springs, Colo., and points within ten (10) miles of each, as more fully described in the application.

No. MC 115540, filed August 25, 1955, GORDON A. BLANEY AND CRYSTOL L. BLANEY, doing business as GREYBULL TRANSFER, 631 Greybull Avenue, Greybull, Wyo. Applicant's attorney: Jerome Anderson, Electric Building, Billings, Mont. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Drilling muds, bentonite, chemicals,* and *other lost circulation materials,* in bulk, in containers, in dump trucks, or in tank vehicles, used in drilling and maintaining wells for the discovery, development, and production of natural gases and petroleum, and (2) *portable storage buildings,* commonly referred to as "mud houses" utilized at well sites for the storage of drilling muds, bentonite, chemicals, and other lost circulation materials used in drilling and maintaining wells for the discovery, development, and production of natural gases and petroleum, between Greybull, Wyo., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Montana.

No. MC 115608 Sub 1, filed November 7, 1955, LESTER THIEL AND LEONARD J. GORECKI, doing business as TEMPCO DISTRIBUTING CO., 1006 South 15th St., Manitowoc, Wis. Applicant's attorney: Arden A. Muchin, First Floor Union Building, 1004 Washington St., Manitowoc, Wis. For authority to operate as a common carrier, over irregular routes, transporting: *Items made of Styrofoam or expanded polystyrene and combined with other materials, resulting in snow balls, canes, styrofoam blocks, crosses, floral wreaths and decorations, table center-pieces, styrofoam snow and decorative items of styrofoam which are used to form figures or displays, and instruction pamphlets,* from Manitowoc, Wis., to Chicago, Ill., and *supplies consisting of unfabricated styrofoam, styrofoam planks, corrugated cartons, set-up boxes and containers, ribbons, hangers, tinsel, glass balls, sequins, pine and similar items,* on return movement.

No. MC 115655, filed November 1, 1955, BARNETT BERCH, doing business as THE SHULTZ COMPANY, 44 West 143rd Street, New York, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: *New and used store fixtures* and *equipment,* between New York, N. Y., on the one hand, and, on the other, points in Fairfield, Litchfield and New Haven Counties, Conn., points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, N. J., and those in Dutchess, Orange, Nassau, Putnam, Rockland, Suffolk, Ulster and Westchester Counties, N. Y.

No. MC 115666, filed November 7, 1955, LELAND C. BIGGS and ALMA DUKE BIGGS, doing business as CHEM-HAULERS, P O. Box 245, Sheffield, Ala. Applicant's attorney: John A. Reynolds, 600–601 Mutual Building, Decatur, Ala. For authority to operate as a *common carrier* over regular routes, transporting: (1) *Caustic soda,* (a) from Sheffield, Ala., to Atlanta, Ga., operating over U. S. Highway 43 from Sheffield to junction Alabama Highway 20, thence over Alabama Highway 20 to Decatur, Ala., thence over U. S. Highway 31, to Cullman, Ala., and thence over U. S. Highway 278 to Atlanta, Ga., serving no intermediate points, (b) from Sheffield, Ala., to Canton, Ga., operating over route described under (1) above from Sheffield to Rockmart, Ga., thence over Georgia Highway 113 to Cartersville, Ga., thence over U. S. Highway 411 to junction Georgia Highway 20, and thence over Georgia Highway 20 to Canton, serving no intermediate points, and (c) from Sheffield, Ala., to Gainesville, Ga., operating over routes described under (1) and (2) above from Sheffield to Canton, Ga., thence over Georgia Highway 20 to Cummings, Ga., thence over U. S. Highway 19 to junction Georgia Highway 141 at or near Coal Mountain, Ga., and thence over Georgia Highway 141 to Gainesville, serving the intermediate point of Canton, Ga., and (2) *empty containers or other such incidental facilities* (not specified) used in transporting caustic soda, over the above described routes, as return movements (a) from Atlanta, Ga. to Sheffield, Ala., serving no intermediate points, (b) from Canton, Ga. to Sheffield, Ala., serving no intermediate points, and (c) from Gainesville, Ga., to Sheffield, Ala., serving the intermediate point of Canton, Ga. Applicant does not presently hold any authority from this Commission.

No. MC 115667, filed November 7, 1955, ARROW TRANSFER CO., LTD., Granville Island, Vancouver, British Columbia, Canada. Applicant's attorneys: George R. LaBissoniere, 835 Central Bldg., Seattle 4, Wash., and J. Stewart Black, 1322 Laburnum St., Vancouver 9, British Columbia, Canada. For authority to operate as a *common carrier* over irregular routes, transporting: *Heavy machinery* and *commodities* which because of their size or weight require the use of special equipment, handling, or rigging, between the United States-Canada International Boundary at or near Blaine, Wash. and Lynden, Wash. and at or near Eastport, Idaho and Porthill, Idaho, on the one hand, and, on the other, Portland, Oreg. and points in Washington.

No. MC 115668, filed November 7, 1955, WARREN G. HARDING, Rural Route #2, Kendallville, Ind. For authority to operate as a *contract carrier* over irregular routes, transporting: *Bakery goods,* between River Forest, Ill., on the one hand, and, on the other, Lakeside, Mich., South Bend, Elkhart, Warsaw, and Wolcottville, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115669, filed November 7, 1955, HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's attorney: C. A. Ross, 1004–1005 Trust Building, Lincoln 8, Nebr. For authority to operate as a *common carrier,* over irregular routes, transporting: *Salt,* and *salt compounds,* from (1) Hutchinson, South Hutchinson, Kanopolis, and Lyons, Kans., and points within 10 miles of each, to points in Montana, and (2) from Kanopolis, Kans., and points within 10 miles of Kanopolis to points in North and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115670, filed November 7, 1955, DAVID C. TRUE, doing business as, DAVIS TRUCKING COMPANY, Springfield, Tenn. Applicant's attorney: William H. Crabtree, 405 Stahlman Building, Nashville 3, Tenn. For authority to operate as a *contract carrier* over irregular routes, transporting: *Farm implements and farm machinery,* from New Holland, Pa., to points in Davidson, Robertson, Montgomery, Sumner, Macon, Wilson, Bedford, Rutherford, Lincoln, Giles, Lawrence, Maury, Williamson, Lewis, Benton, Decatur and Marshall Counties, Tenn.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 111, filed October 24, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier,* over a regular route, transporting: *Passengers and their baggage,* in the same vehicle with passengers, and *express, newspapers,* and *mail,* between Harrisburg, Ill., and junction Illinois Highways 145 and U. S. Highway 45, from Harrisburg over Illinois Highway 34 to junction Illinois Highway 145, thence over Illinois Highway 145 to junction U. S. Highway 45, serving no intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 1501 Sub 113, filed November 7, 1955, THE GREYHOUND CORPORATION, a corporation, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's representative: J. D. Segal, Comptroller, Florida Greyhound Lines, (Division of the Greyhound Corporation) P. O. Box 329, Jacksonville 1, Fla. For authority to operate as a *common carrier* over a regular route, transporting: *Passengers and their baggage,* and *newspapers, express,* and *mail,* in the same vehicle with passengers, between Childs Junction, Fla. (junction of U. S. Highway 27 and Florida Highway 70 one mile east of

Childs, Fla.) and Miami, Fla., over U. S. Highway 27, serving all intermediate points including Venus Junction, Fla. Applicant is authorized to conduct operations throughout the United States, including the District of Columbia.

APPLICATIONS UNDER SECTION 5 (2) AND 210a (b)

No. MC–F 5755, published in the August 11, 1954, issue of the FEDERAL REGISTER on page 5076. Amendment filed November 8, 1955, to substitute M and M OIL AND TRANSPORTATION, INC., as vendee in lieu of S. A. MARKLEY and LOREN G. MARKLEY, doing business as M. & M. TRUCK COMPANY OF WYOMING.

No. MC–F 6096 published in the October 19, 1955, issue of the FEDERAL REGISTER on page 7893. Supplemental application filed November 10, 1955, to show joinder in application of ROGERS CARTAGE COMPANY OF INDIANA, INC., as a person in control of TEXAS-ARIZONA MOTOR FREIGHT, INC.

MC–F 6132. Authority sought for purshase by SHAW TRANSPORTATION, INC., 710 W 2nd Street, Hutchinson, Kans., of the operating rights of F M. COLEMAN, doing business as COLEMAN TRANSFER & STORAGE CO., 515 East 2nd Street, Hutchinson, Kans., and for acquisition by W C. SHAW AND Wm. C. SHAW JR., of control of said operating rights through the purchase. Applicants' attorney: James F. Miller, 500 Board of Trade Building, Kansas City, Mo. Operating rights sought to be transferred: *General commodities,* with certain exceptions, not including household goods, as a COMMON CARRIER over a regular route, between Hutchinson, Kans., and Wichita, Kans., serving the intermediate points of Maize, Colwich, Andale, Mt. Hope, and Haven, Kans. Vendee is authorized to operate in Kansas and Missouri. Application has not been filed for temporary authority under Section 210a (b)

NO. MC–F 6133. Authority sought for purchase by THE KAW VALLEY BUS LINES, INC., 1709 Minnesota Ave., Kansas City, Kans., of the operating rights and property of KANSAS CITY, KAW VALLEY RAILROAD, INC., doing business as KAW VALLEY STAGES, 1709 Minnesota Ave., Kansas City, Kans., and for acquisition by R. P JOHNSON, H. F JOHNSON, MARTHA M. JOHNSON, HAZEL P JOHNSON, and CRESCENT OIL, INC., all of Kansas City, of control of such operating rights and property through the purchase. Applicant's attorneys: Carll V. Kretsinger, 1014–18 Temple Bldg., Kansas City, Mo., and Blake A. Williamson, 727 Ann Ave., Kansas City, Kans. Operating rights sought to be transferred: *Passengers and their baggage,* as a *common carrier* over a regular route between Bonner Springs, Kans., and Lawrence, Kans., serving all intermediate points, and over an alternate route for operating convenience only between Bonner Springs, Kans., and junction U. S. Highway 40 and Kansas Highway 32; *passengers and their baggage,* over regular and irregular routes, between Kansas City, Mo., and Bonner Springs, Kans., serving all intermediate points, with service at Kansas City, Kans., restricted to traffic moving to and from points other than Kansas City, Mo. Vendee holds no authority from the Interstate Commerce Commission. Application has not been filed for temporary authority under Section 210a (b)

No. MC–F 6134. Authority sought for control by R. A. BROWN, Post Office Box 248, Bettendorf, Iowa, C. F ILES, 1101 Grand Avenue, Des Moines, Iowa; and H. E. McKINNEY, 1312 Grand Avenue, Des Moines, Iowa, of the operating rights and property of DYER-O'HARE HAULING CO., St. Louis, Mo. Applicants' attorney, Rex H. Fowler, 510 Central National Building, Des Moines 9, Iowa. Operating rights sought to be controlled: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and, in connection therewith, *equipment, materials,* and *supplies* used in the conduct of such business, as a CONTRACT CARRIER over irregular routes, between points within the territory bounded by a line beginning at Cairo, Ill., and extending in a northeasterly direction to Mt. Carmel, Ill., thence north through Lawrenceville to Gilman, Ill., thence west to Galesburg, Ill., thence in a southwesterly direction to Quincy, Ill., thence in a northwesterly direction to Unionville, Mo., thence south to Springfield, Mo., and thence east to Cairo, including the points named; between points and places in the above-specified territory, on the one hand, and, on the other, Terre Houte, Ind., and Keokuk, Iowa. Applicants are members of two partnerships operating under the trade names of Iowa Film Delivery and Meadows Transfer Company, which together are authorized to operate in Iowa, Illinois, Nebraska, Missouri and Indiana. Application has been filed for temporary authority under Section 210a (b)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9385; Filed, Nov. 22, 1955; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 18, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31325: *Cast iron borings from Columbus, Ohio, to Brooklyn, N. Y* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cast iron borings, carloads from Columbus, Ohio to Brooklyn, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 76 to Agent Hinsch's I. C. C. 4350.

FSA No. 31326: *Iron and steel articles from Illinois to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from points in Illinois freight association to points in southern freight association.

Grounds for relief: Rail competition, circuity, market competition, and change in minimum weight.

Tariff: Supplement 6 to Agent Spaninger's I. C. C. 1476.

FSA No. 31327: *Mixed freight between points in Western Trunk Line Territory.* Filed by W J. Preuter, Agent, for interested rail carriers. Rates on groceries, general store supplies, and freight, all kinds, carloads, from points in Illinois, Indiana, Missouri, and Wisconsin to points in Iowa, Kansas, Missouri, and Nebraska.

Grounds for relief: Circuity and to maintain grouping.

FSA No. 31328: *Various commodities from Illinois and Iowa to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on various commodities, carloads from points in Illinois and Iowa to points in southern territory

Grounds for relief: Rail competition and circuity.

FSA No. 31329: *Various commodities from, to, and between the Southwest.* Filed by F C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, carloads from, to, and between points in southwestern territory.

Grounds for relief: Rail competition and circuity.

FSA No. 31330: *Various commodities from Official Territory to South.* Filed by C. W Boin, Agent, for interested rail carriers. Rates on various commodities, carloads from points in official territory to points in southern territory.

Grounds for relief: Rail competition and circuity.

FSA No. 31331. *Paper boxes from Gastonia, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on boxes, corrugated; covers, corrugated; and fillers, partitions or wrappers, carloads from Gastonia, N. C., to points in official and Illinois territories.

Grounds for relief: Short-line distance formula, circuity, and market competition.

Tariff: Supplement 90 to Agent Spaninger's I. C. C. 1349.

FSA No. 31332: *Sulphuric acid from Baton Rouge and North Baton Rouge, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Baton Rouge and North Baton Rouge, La., to Albany, Ga., Biltmore, N. C., Celriver, S. C., and Fernandina, Fla.

Grounds for relief: Circuity and market competition.

Tariff: Supplement 103 to Agent Spaninger's I. C. C. 1357.

FSA No. 31333: *Sulphuric acid from New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from New Orleans, La., to Albany, Atlanta, East Point, Ga., and Starke, Fla.

Grounds for relief: Circuity and market competition.

Tariff: Supplement 103 to Agent Spaninger's I. C. C. 1357.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-9384; Filed, Nov. 22, 1955; 8:47 a. m.]